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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WAYNE JEROME ROBERTSON,
Plaintiff,
v.
GARCIA, *et al.*,
Defendants.

Case No. 1:17-cv-01022-DAD-BAM (PC)
**ORDER LIFTING STAY OF DISCOVERY
AND RESETTING DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**
Discovery Deadline: **September 13, 2022**
Dispositive Motion Deadline: **November 28,
2022**

Plaintiff Wayne Jerome Robertson (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 21, 2019, the Court granted Defendants’ application to stay discovery and continue the deadlines in the Court’s discovery and scheduling order pending disposition of their motion for partial summary judgment based on Plaintiff’s failure to exhaust administrative remedies. (ECF No. 48.) The undersigned issued findings and recommendations to grant Defendants’ motion for partial summary judgment on May 9, 2022. (ECF No. 56.)

The assigned District Judge adopted the findings and recommendations in full on June 14, 2022. (ECF No. 57.) This action now proceeds on Plaintiff’s first amended complaint against Defendant Garcia for excessive force in violation of the Eighth Amendment for spraying Plaintiff with OC spray on January 24, 2017. (*Id.*)

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1 Accordingly, the Court finds it appropriate and necessary to lift the stay of discovery and
2 reset the discovery and dispositive motion deadlines. Fed. R. Civ. P. 16.

3 Based on the foregoing, IT IS HEREBY ORDERED that:

- 4 1. The stay of discovery is LIFTED;
- 5 2. The deadline for the completion of all discovery, including filing all motions to
6 compel discovery, shall be **September 13, 2022**. Absent good cause, discovery
7 motions will not be considered if filed after the discovery deadline. Therefore,
8 discovery requests and deposition notices must be served sufficiently in advance of the
9 discovery deadline to permit time for a response and time to prepare and file a motion
10 to compel;
- 11 3. The deadline for filing all dispositive motions (other than a motion for summary
12 judgment for failure to exhaust) shall be **November 28, 2022**; and
- 13 4. Any request for an extension of these deadlines must be filed on or before the
14 expiration of the deadline. However, the parties are advised that an extension of time
15 will only be granted upon a clear showing of good cause.

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17 IT IS SO ORDERED.

18 Dated: June 15, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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