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3 **UNITED STATES DISTRICT COURT**  
4 **EASTERN DISTRICT OF CALIFORNIA**

5 SAM DRAKE, ) Case No.: 1:17-cv-01500-AWI-SAB (PC)  
6 Plaintiff, )  
7 v. ) ORDER DENYING DEFENDANTS' REQUEST  
8 SCOTT KERNAN, et al., ) FOR SEPARATE EXHAUSTION DEADLINE AS  
9 Defendants. ) MOOT  
10 ) [ECF No. 44]  
11 )

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12 Plaintiff Sam Drake is appearing pro se and in forma pauperis in this civil rights action  
13 pursuant to 42 U.S.C. § 1983. On December 19, 2018, Defendants filed an answer to the complaint,  
14 along with a separate request for the Court to issue a separate scheduling order for exhaustion-related  
15 discovery and dispositive-motion deadlines. (ECF Nos. 43, 44.)

16 On December 27, 2018, the Court issued the discovery and scheduling order. Pursuant to the  
17 order, the deadline for filing an exhaustion-related motion for summary judgment is March 27, 2019.<sup>1</sup>  
18 Therefore, Defendants' request to set a separate deadline for the filing of an exhaustion-related motion  
19 for summary judgment is denied as moot. Defendants are further advised that if an exhaustion motion  
20 is filed, they may move for a stay of merits-based discovery, if so desired.

21  
22 IT IS SO ORDERED.

23 Dated: **December 27, 2018**

24   
25 \_\_\_\_\_  
26 UNITED STATES MAGISTRATE JUDGE

27 \_\_\_\_\_  
28 <sup>1</sup> Indeed, the Court's discovery and scheduling order issued in prisoner civil rights actions always includes a separate  
deadline for the filing of an exhaustion-related motion for summary judgment. Therefore, such future requests in this Court  
are unnecessary.