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

CHARLES TRAYZON GILBERT,	)	Case No.: 1:19-cv-01464-NONE-SAB (PC)
	)	
Plaintiff,	)	
	)	<b>AMENDED SCHEDULING ORDER</b>
v.	)	
	)	
KATHLEEN ALLISON, et.al.,	)	
	)	
Defendants.	)	
	)	
	)	

Plaintiff Charles Trayzon Gilbert is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 27, 2021, the Court denied Defendants’ exhaustion-related motion for summary judgment, without prejudice. (ECF No. 63.)

On September 1, 2021, Defendants were directed to notify the Court of their wish to proceed with an evidentiary hearing on the issue of exhaustion within seven days. (ECF No. 64.) The Court advised that if Defendants did not wish to proceed with an evidentiary hearing, the issue of exhaustion would be deemed waived and the Court would proceed to the merits of the case. (Id.)

Defendants have not filed a response to the September 1, 2021 order, and the Court, therefore, assumes Defendants do not wish to proceed with an evidentiary hearing and the issue of non-exhaustion of the administrative remedies is deemed waived.

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Accordingly, it is HEREBY ORDERED that:

1. The new merits-based discovery deadline is: **January 21, 2022**;
2. The new dispositive motion deadline is: **March 25, 2022**; and
3. All other substantive provisions of the Court’s May 11, 2020, discovery and scheduling order remain in effect.

IT IS SO ORDERED.

Dated: September 9, 2021

  
UNITED STATES MAGISTRATE JUDGE