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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL THOMAS DE'ARMOND, JR.,
Plaintiff,
v.
J. WHITE,
Defendant.

Case No. 1:19-cv-01695-NONE-HBK
ORDER GRANTING DEFENDANT'S *EX PARTE* MOTION TO MODIFY AMENDED SCHEDULING ORDER FOR DEADLINE TO FILE EXHAUSTION BASED SUMMARY JUDGMENT MOTION
(Doc. No. 39)
Deadline to File Motion for Summary Judgment on Exhaustion: **November 5, 2021**

Pending before the Court is Defendant's September 2, 2021 *ex parte* motion to modify scheduling order to extend the time to move for summary judgment on exhaustion grounds. (Doc. No. 39). The current deadline to file an exhaustion-based summary judgment motion is September 6, 2021. (Doc. No. 38). Defendant requests a sixty-day extension to this deadline due to delays in receiving discovery from Plaintiff. (*See generally* Doc. No. 39). Fed. R. Civ. P. 6(b) provides for extending deadlines for good cause shown, if the request to extend time is made before the existing deadline. Defendant filed his motion before the current deadline passed and the Court finds good cause to warrant an extension of time.

Accordingly, it is **ORDERED**:


1. Defendant's *ex parte* motion (Doc. No. 39) is GRANTED.

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2. The deadline to file an exhaustion-based summary judgment motion is extended to **November 5, 2021.**

3. The remaining deadlines in the Amended Scheduling Order (Doc. No. 38) remain the same.

Dated: September 4, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE