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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MARK A. FREGIA,

12 Plaintiff,

13 v.

14 YUCUI CHEN, et al.,

15 Defendants.
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Case No. 1:20-cv-01024-DAD-EPG

ORDER GRANTING DEFENDANTS'
MOTION TO MODIFY SCHEDULING
ORDER TO EXTEND DEADLINE TO FILE
DISPOSITIVE MOTIONS

(ECF No. 50)

17 Before the Court is Defendants' motion to modify the Scheduling Order and extend the
18 dispositive motion deadline. (ECF No. 50.) Defendants have filed a motion for summary
19 judgment challenging Plaintiff's failure to exhaust administrative remedies as to some, but not all,
20 of Plaintiff's claims. (*See* ECF No. 40.) On July 1, 2022, the Court issued findings and
21 recommendations recommending that Defendants' motion be granted. (ECF No. 49.) Those
22 findings and recommendations are currently pending before the district judge. Defendants intend
23 to file a motion for summary judgment on the merits, but the scope of the motion will be affected
24 by the district judge's order on the pending findings and recommendations. (ECF No. 50 at 2.)
25 Thus, Defendants request that the dispositive motion deadline, which is currently set for August
26 8, 2022, be extended to forty-five days from issuance of a final order on Defendants' pending
27 exhaustion motion.¹ (*Id.* at 2-3.)

28 ¹ This case has been scheduled through dispositive motions only and no pretrial conference or trial dates have been

1 Having considered the motion, and in the interest of efficiency and judicial economy, the
2 Court will grant Defendants' request.

3 Accordingly, IT IS HEREBY ORDERED that the Scheduling Order (ECF No. 36) is
4 modified and the deadline to file dispositive motions is extended to forty-five (45) days from the
5 date of service of a final order on Defendants' pending motion for summary judgment on
6 administrative exhaustion (*see* ECF Nos. 40, 49).

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8 IT IS SO ORDERED.

9 Dated: July 29, 2022

/s/ Eric P. Grogan
10 UNITED STATES MAGISTRATE JUDGE
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set. (*See* ECF No. 36.) Additionally, as Defendants note in their motion, all deadlines in the Scheduling Order other than the dispositive motion deadline have passed. (*See* ECF No. 36.)