



1 dates are not appropriate for motions for administrative relief, *see* Local Rule 233. The Court will  
2 consider the filing as a motion to modify the discovery and scheduling order to extend the time  
3 for filing an exhaustion motion.

4 In support of the motion, defense counsel declares that a one-week extension is needed to  
5 obtain signatures on declarations by institutional personnel in support of Defendants' motion.  
6 (ECF No. 63, p. 3.) Due to unforeseen issues in staff availability during the last two weeks,  
7 counsel has been unable to secure the signatures of the declarants at this time. The motion is  
8 otherwise ready to file, and counsel does not anticipate seeking a further extension of time.  
9 Defendants request an extension up to and including May 17, 2022, and counsel does not believe  
10 that the requested extension will significantly impact the progress of this case or unfairly  
11 prejudice Plaintiff. (*Id.* at 4.)

12 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is  
13 unnecessary. The motion is deemed submitted. Local Rule 230(1).

14 Having considered the request, the Court finds good cause to grant the requested  
15 extension of the exhaustion summary judgment motion deadline. Fed. R. Civ. P. 16(b)(4). The  
16 Court finds that Plaintiff will not be prejudiced by the extension granted here. No other deadlines  
17 are extended by this order.

18 Accordingly, IT IS HEREBY ORDERED as follows:

- 19 1. Defendants' motion to modify the discovery and scheduling order to extend the  
20 deadline to file an exhaustion motion, (ECF No. 63), is GRANTED; and
- 21 2. The deadline for filing motions for summary judgment for failure to exhaust  
22 administrative remedies is extended from May 10, 2022 to **May 17, 2022**.

23  
24 IT IS SO ORDERED.

25 Dated: May 10, 2022

26 /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE