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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE M. PASION,  
Plaintiff,  
v.  
JOHN A. HAVILAND, et al.,  
Defendants.

No. 2:10-cv-03227 AC P

SCHEDULING ORDER

This matter came on for status conference May 6, 2015. Pursuant to Federal Rule of Civil Procedure 16(b), THIS COURT ORDERS AS FOLLOWS:

1. Within twenty-one days of the filing of this order, plaintiff must pay the filing fee in full.
2. Plaintiff shall file a third amended complaint by June 5, 2015. The purpose of the third amended complaint is to amend the retaliation claim against defendant McGuire only. Plaintiff may also make non-substantive typographical or editorial corrections to the claim against defendant Cappel. Plaintiff may not at this time amend the complaint to add any new or previously dismissed defendants or claims. If plaintiff fails to file a third amended complaint, the case will proceed on the retaliation claims against defendants Cappel and McGuire as set forth in the second amended complaint.

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1           3. The summons and complaint shall be served on defendant McGuire no later than July  
2 6, 2015.

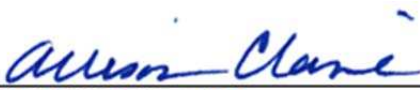
3           4. If plaintiff seeks to amend the complaint to add additional defendants or claims, he  
4 must file a motion pursuant to Federal Rule of Civil Procedure 15. Any motion to further amend  
5 the complaint must be filed by September 7, 2015.

6           5. Defendant Cappel may file a motion for summary judgment based on qualified  
7 immunity, and the court will adopt the briefing schedule proposed by the parties. The motion for  
8 summary judgment must be filed by June 15, 2015. Plaintiff's opposition shall be due by July 14,  
9 2015, and defendant Cappel's reply shall be filed by July 28, 2015. The motion shall be noticed  
10 in accordance with Local Rule 230.

11           6. Discovery from defendant Cappel shall be stayed pending resolution of the summary  
12 judgment motion on qualified immunity.

13           7. If defendant Cappel's motion for summary judgment is denied, the parties shall  
14 exchange initial disclosures within two weeks of the filing of the order denying the motion.  
15 Discovery shall be completed, and all motions pertaining to discovery shall be noticed for hearing  
16 no later than sixteen weeks after the filing of the order denying the motion. All pretrial motions,  
17 except motions to compel discovery, shall be filed no later than twelve weeks after the close of  
18 discovery. Any motion so filed shall be briefed pursuant to Local Rule 230.

19 DATED: May 6, 2015

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21 ALLISON CLAIRE  
22 UNITED STATES MAGISTRATE JUDGE  
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