

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RUBEN VALDEZ,

No. 2:12-cv-1352-CMK-P

Plaintiff,

vs.

ORDER

MATTHEW CATE, et al.,

Defendant.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. There are several motions pending in this matter, including plaintiff’s motion for additional time to file an opposition to the pending motion for judgment on the pleadings (Doc. 63), defendant’s motion for a protective order (Doc. 61), defendant’s motion for additional time to respond to discovery (Doc. 68), and defendant’s motion to modify the scheduling order (Doc. 72). All other motions will be addressed by separate order.

First, plaintiff filed a motion for additional time to oppose defendants’ motion for judgment on the pleading. Plaintiff has now filed his opposition, and the motion for judgment is ready on the merits. Plaintiff’s motion will be granted, and his opposition will be considered timely filed and will be considered by the court when addressing the merits of the motion.

1           Next, defendants have requested a protective order to stay discovery until the  
2 court rules on the pending motion for judgment on the pleadings, as well as a motion for  
3 additional time to respond to discovery, and a motion to modify the scheduling order. These  
4 motions are all related. Discovery opened shortly after the defendant filed an answer to  
5 plaintiff's amended complaint. Prior to the close of discovery, defendants filed the pending  
6 motion for judgment on the pleadings. Until the court rules on the motion for judgment,  
7 discovery need not continue. If the court grants the motion for judgment, no further discovery  
8 may be necessary. If the court denies the motion, discovery may continue.

9           Good cause appearing therefor, defendants' motions for a protective order staying  
10 the discovery in this case until after the court rules on the motion for judgment on the pleadings  
11 will be granted. The deadlines set forth in the court's scheduling order will be vacated, and the  
12 court will issue a new scheduling order if appropriate after the motion for judgment has been  
13 addressed.

14           Accordingly, IT IS HEREBY ORDERED that:

15           1.       Plaintiff's motion for additional time to oppose defendants' motion for  
16 judgment on the pleadings (Doc. 63) is granted and plaintiff's opposition is considered timely  
17 filed;

18           2.       Defendants' motion for protective order (Doc. 61) is granted to the extent  
19 the court will suspend any further discovery until resolution of the motion for judgment on the  
20 pleadings;

21           3.       Defendants' motion for additional time to respond to discovery requests  
22 (Doc. 68) is granted;

23           4.       Defendants' motion to modify the scheduling order (Doc. 72) is granted;

24           5.       The parties need not respond to any outstanding discovery requests until  
25 after the resolution of the motion for judgment on the pleadings; and

26       ///

1           6.       The dates set forth in the court’s scheduling order are vacated, and a new  
2 scheduling order will issue following resolution of the motion for judgment on the pleadings.  
3

4 DATED: March 25, 2016

5   
6 **CRAIG M. KELLISON**  
7 UNITED STATES MAGISTRATE JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26