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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY R. GARCIA,  
Plaintiff,  
v.  
C/O HEATH, et al.,  
Defendants.

No. 2:13-cv-1952 JAM AC P

ORDER

Defendants move to extend the November 20, 2015 dispositive motion deadline in this case. Defendants seek adequate time to file a dispositive motion on the merits of plaintiff's claims after the court rules on their pending motion for summary judgment premised on plaintiff's alleged failure to exhaust his administrative remedies; defendants' exhaustion motion was filed on behalf of five of the six defendants.

The court declines to vacate the current dispositive motion deadline at this time. However, the court will set a new dispositive motion deadline after it has reached a decision on defendants' exhaustion motion. For this reason, the court will also deny without prejudice plaintiff's pending motion on the merits of his claims; plaintiff may re-file his motion after the court has resolved defendants' exhaustion motion and set a new dispositive motion deadline.

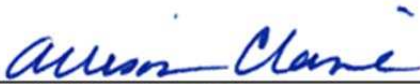
Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' motion to modify the scheduling order, ECF No. 48, is denied without

1 prejudice; the court will set a new dispositive motion deadline after resolution of defendants'  
2 pending motion for summary judgment premised on plaintiff's alleged failure to exhaust his  
3 administrative remedies; and

4 2. Plaintiff's motion for summary judgment on the merits of his claims, ECF No. 45, is  
5 denied without prejudice to the re-filing of his motion following the court's resolution of  
6 defendants' exhaustion motion and the setting of a new dispositive motion deadline.

7 DATED: November 10, 2015

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ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
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