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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY L. FRANKLIN,
Plaintiff,
v.
F. FOULK, et al.,
Defendants.

No. 2:14-cv-0057 KJM DAD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for a stay and defendants’ motion to modify the discovery and scheduling order.

On June 24, 2015, the undersigned issued findings and recommendations, recommending that defendant Dr. Syverson’s motion to dismiss for failure to state a claim be granted and that defendant Syverson’s later-filed motion for summary judgment be denied as having been rendered moot. On August 6, 2015, the assigned district judge adopted the findings and recommendations in full and dismissed defendant Syverson from this action. While the undersigned’s findings and recommendations were pending, plaintiff filed a motion to stay defendant Syverson’s motion for summary judgment. In light of the assigned district judge’s recent order dismissing defendant Syverson, plaintiff’s motion for a stay of defendant Syverson’s

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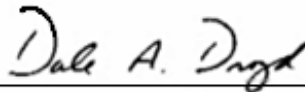
1 motion for summary judgment has now also been rendered moot. Accordingly, the court will
2 deny plaintiff's motion for a stay.

3 Defendants have filed a motion to modify the discovery and scheduling order in this case
4 to extend the deadline to file dispositive motions to December 7, 2015. Specifically, defendants
5 Rohlfing, Swingle, and Lee filed an answer in this case, while defendants Foulk, Zamora, Kelsey,
6 and Ray filed a motion to dismiss. The undersigned's findings and recommendations on
7 defendants' motion to dismiss are still pending before the assigned district judge. Defendants
8 would prefer to file one motion for summary judgment on behalf of all of the defendants in this
9 case if that becomes necessary. In the interest of judicial economy and good cause appearing, the
10 court will grant defendants' motion to modify the discovery and scheduling order in this case.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion for a stay (Doc. No. 54) is denied as moot;
- 13 2. Defendants' motion to modify the discovery and scheduling order (Doc. No. 55) is
14 granted;
- 15 3. The parties shall file dispositive motions on or before December 7, 2015; and
- 16 4. Except as otherwise stated in this order, the court's discovery and scheduling order
17 remains in effect.

18 Dated: October 1, 2015

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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