1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ALLEN HAMMLER, No. 2:14-cv-2073 MCE AC P 12 Plaintiff, 13 **ORDER** v. 14 C. DAVIS, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. Presently pending is plaintiff's request to modify the discovery and scheduling 18 19 order, and motion for a court order that would direct and facilitate telephone interviews between 20 plaintiff and two of his witnesses, both incarcerated. 21 Plaintiff's request to modify the scheduling order will be granted; however, plaintiff's 22 request for assistance to schedule witness interviews will be denied as premature. Defendant has 23 filed a motion for summary judgment premised on plaintiff's alleged failure to exhaust his 24 administrative remedies. See ECF No. 49. That motion is now fully briefed and submitted for 25 decision by the court. Pending that decision, discovery on plaintiff's substantive claims is 26 unnecessary. Therefore, the current deadlines will be vacated; new deadlines for discovery and 27 the filing of dispositive motions will be made if defendant's motion is denied and this case 28 proceeds on the merits.

Accordingly, IT IS HEREBY ORDERED that: 1. Plaintiff's request to modify the discovery and scheduling order in this action, ECF No. 55, is granted; all deadlines are vacated pending further order of this court. 2. Plaintiff's request for a court order to facilitate his telephone interviews with witnesses, ECF No. 54, is denied without prejudice. SO ORDERED. DATED: June 16, 2016 UNITED STATES MAGISTRATE JUDGE