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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 GEB AC P

ORDER

Plaintiff has filed a motion for extended time to file and serve a response to defendant’s August 29, 2016 motion for summary judgment, based on plaintiff’s need to obtain additional discovery.

Significantly, sole defendant Correctional Officer J. McCowan filed his motion for summary judgment only a few weeks after this court granted plaintiff’s request to reopen discovery and postpone the filing of dispositive motions. See ECF No. 45. The court reopened discovery for the limited purpose of permitting plaintiff to serve his outstanding discovery requests on defendant’s counsel by August 12, 2016, and for defendant to serve “all of his responses to plaintiff’s discovery requests” by September 30, 2016. Id. at 2. The court accorded plaintiff until October 28, 2016 to file and serve any necessary motion to compel discovery. Finally, the court extended the dispositive motion deadline to March 31, 2017. Id.

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1 Plaintiff's instant request is consistent with these deadlines. Moreover, in light of
2 plaintiff's pro se status and in deference to his authorized request to obtain additional discovery
3 before responding to defendant's motion for summary judgment, defendant's motion will be
4 denied without prejudice to its renewal no later than March 31, 2017. Defendant is further
5 instructed that his motion for summary judgment shall be filed no earlier than March 1, 2017.
6 Plaintiff's instant request for extended time is therefore denied as moot. Discovery shall proceed
7 as set forth in the court's prior order.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Defendant's motion for summary judgment filed August 29, 2016, ECF No. 46, is
10 denied without prejudice to the filing of another motion for summary judgment between March 1
11 and March 31, 2017.

12 2. Plaintiff's motion for extended time to respond to defendant's motion for summary
13 judgment, ECF No. 48, is denied as moot.

14 3. Discovery shall proceed in this action as set forth in this court's order filed July 12,
15 2016, see ECF No. 45.

16 DATED: September 9, 2016.

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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