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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS J. GARCIA,
Plaintiff,
v.
BONNIE LEE, et al.,
Defendants.

No. 2:15-cv-1888 MCE CKD P

ORDER

This action proceeds on plaintiff’s medical indifference claim against defendant Hogue, who has answered the complaint. (ECF Nos. 13, 15 & 29.) The discovery deadline is November 18, 2016. (ECF No. 31.) On August 5, 2016, defendant filed a motion for summary judgment on the ground that plaintiff has not exhausted administrative remedies as to his claim under 42 U.S.C. § 1997e(a). (ECF No. 32.)

Courts may issue a protective order staying discovery pending the resolution of potentially dispositive motions. See e.g., Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988) (no abuse of discretion where district court stayed discovery until issue of immunity was decided on summary judgment). In appropriate circumstances, a discovery stay “furthers the goal of efficiency for the court and litigants.” Id. at 685.

Here, as defendant’s motion for summary judgment is potentially dispositive, it is appropriate to stay discovery on the merits of plaintiff’s claim and vacate the pretrial motion

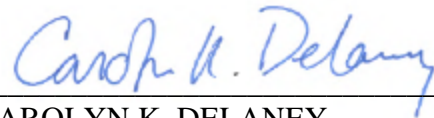
1 deadline pending resolution of the motion. See Albino v. Baca, 747 F.3d 1162, 1170 (9th Cir.
2 2014) (en banc) (“Exhaustion should be decided, if feasible, before reaching the merits of a
3 prisoner’s claim”; thus district court may “leav[e] until later . . . discovery directed to the merits
4 of the suit.”), citing Pavey v. Conley, 544 F.3d 739, 742 (7th Cir. 2008)

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Discovery in this matter is stayed until the district court issues a final ruling on the
7 defendant’s August 5, 2016 motion for summary judgment; and

8 2. The discovery and pretrial motion cut off dates set forth in the Discovery and
9 Scheduling Order issued on June 28, 2016 are hereby vacated. The court will reset those dates if
10 defendant’s motion for summary judgment is denied.

11 Dated: August 10, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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