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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON V. MOSLEY,  
Plaintiff,  
v.  
JEFFREY BEARD, et al,  
Defendants.

No. 2:16-cv-0486 JAM AC P

ORDER

On January 10, 2018, defendants filed a second motion to modify the scheduling order.<sup>1</sup> ECF No. 40. The current discovery cut-off date is March 15, 2018, and dispositive motions are scheduled to be filed by June 9, 2018. See ECF No. 36 at 3. Defendants request that the discovery cut-off date be extended to August 15, 2018, and that the dispositive motion cut-off date be extended to November 9, 2018. See ECF No. 40 at 1.

The instant modification request is being made in part due to the facts that: (1) the discovery and dispositive motion cut-off dates are fast approaching; (2) currently pending is defendants' summary judgment motion premised on plaintiff's alleged failure to exhaust his

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<sup>1</sup> Defendants' first motion to modify the scheduling order was granted on October 16, 2017. See ECF No. 36. At that time, because a decision on defendants' summary judgment motion (ECF No. 33) was pending, a protective order and a stay were also granted which limited discovery to evidence related to the issue of exhaustion pursuant to Federal Rule of Civil Procedure 26(c) and Albino v. Baca, 747 F.3d 1162, 1170 (9th Cir. 2014) (en banc). See ECF No. 36 at 2-3.

1 administrative remedies before commencing this action, which is potentially dispositive of this  
2 case; (3) plaintiff's opposition to defendants' motion for summary judgment is due at the end of  
3 this week, and (4) defendants have exercised due diligence in moving this matter forward. See  
4 ECF No. 40 at 1-3.

5 Given these circumstances, the court agrees that defendants have established good cause  
6 to modify the scheduling order. However, given the potentially dispositive nature of the pending  
7 summary judgment motion, as well as the fact that the filing deadline for plaintiff's opposition to  
8 it is imminent, the court finds that judicial economy warrants a stay of discovery and vacating  
9 related current deadlines until further order of the court.

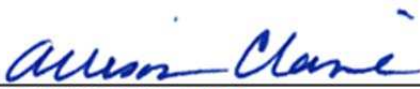
10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Defendants' second motion to modify the current scheduling order (ECF No. 40) is  
12 DENIED without prejudice;

13 2. All discovery is STAYED pending the resolution of defendants' motion for  
14 summary judgment, and

15 3. The discovery and dispositive motion-related deadline dates in the court's original  
16 and modified scheduling orders (ECF Nos. 32, 36) are hereby VACATED until further order of  
17 the court.

18 DATED: January 12, 2018

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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