UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN F. ELLIS,   No. 2:16-cv-1083 JAM KJN P

        Plaintiff,

    v.   ORDER

LAMI P. BARACEROS, et al.,

        Defendants.

Plaintiff is a state prisoner, proceeding without counsel. Under the December 7, 2017 scheduling order, the pretrial motions deadline expires on June 22, 2018. On June 18, 2018, plaintiff filed a request for subpoenas, and a motion for a sixty-day extension of time in which to file a pretrial motion. On June 21, 2018, defendants filed a motion to modify the discovery and scheduling order.

On June 19, 2018, the undersigned recommended that defendants' motion for summary judgment on the issue of administrative exhaustion be granted in part and denied in part. The district court has not yet addressed the findings and recommendations and the objection period remains pending at this time.

Therefore, plaintiff's motion for subpoenas is premature. The parties' motions concerning the discovery and scheduling order are partially granted in that the undersigned will vacate the

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1 June 22, 2018 dispositive motion deadline, and will issue a modified discovery and scheduling

2 order once the district court addresses the pending findings and recommendations.

3   Good cause appearing, IT IS HEREBY ORDERED that:

4   1. Plaintiff's request for subpoenas (ECF No. 42) is denied as premature;

5   2. Plaintiff's motion for extension of time to file pretrial motions (ECF No. 43) is

6 partially granted;

7   3. Defendants' motion to modify (ECF No. 44) is partially granted; and

8   4. The June 22, 2018 deadline for filing pretrial motions is vacated; and a modified

9 discovery and scheduling order shall issue after the district court addresses the pending findings

10 and recommendations.

11 Dated: June 22, 2018

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    KENDALL J. NEWMAN
    UNITED STATES MAGISTRATE JUDGE

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