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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DANIEL LEE THORNBERRY,
Plaintiff,
v.
J. BAL, et al.,
Defendants.

No. 2:17-CV-0953-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff's: (1) motion to deem motion for summary judgment submitted (ECF No. 70); and (2) motion for an extension of time (ECF No. 71).

On June 5, 2019, the court issued an order addressing a number of pending motions. See ECF No. 69. In that order, the court re-opened discovery for a 120-day period. The court also observed plaintiff's motion for summary judgment was pending and that, following the close of discovery, plaintiff would be provided an opportunity to file an amended motion for summary judgment. Plaintiff now moves the court for an order deeming his pending motion for summary judgment submitted, apparently foregoing the opportunity to file an amended motion. Good cause appearing therefor, plaintiff's motion is granted and his motion for summary judgment is deemed submitted on plaintiff's original briefing. Upon the close of

1 discovery, the court will set a new dispositive motion filing deadline which will also be the
2 deadline for defendants to file an opposition to plaintiff's motion for summary judgment.

3 Plaintiff also seeks an extension of time to file objections to findings and
4 recommendations regarding his motion for preliminary injunctive relief. Because that motion is
5 still pending and the court has not issued findings and recommendations thereon, plaintiff's
6 motion is denied as unnecessary.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Plaintiff's motion for an order deeming his motion for summary judgment
9 submitted on his current briefs (ECF No. 70) is granted; and

10 2. Plaintiff's motion for an extension of time (ECF No. 71) is denied as
11 unnecessary.

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14 Dated: July 29, 2019



15 DENNIS M. COTA
16 UNITED STATES MAGISTRATE JUDGE
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