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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMIE EARL STEPHENS,
Plaintiff,
v.
E. MONTEJO,
Defendant.

No. 2:18-cv-1796 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendant was deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. Several motions are pending before the court. First, plaintiff moved to amend his third amended complaint and sought an injunction against a non-party. (ECF Nos. 114, 124.) On June 29, 2022, this court recommended plaintiff’s motions be denied. (ECF No. 128.) Chief Judge Mueller has not yet ruled on that recommendation. Second, on August 16, defendant filed a motion for terminating sanctions based on plaintiff’s failure to respond to court-ordered discovery. (ECF No. 136.) Third, on October 14, defendant moved to modify the discovery and scheduling order. (ECF No. 142.) Finally, on October 26, plaintiff filed a document in which he states that he complied with the discovery order and that his request for sanctions is still active. (ECF No. 144.)

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1 At this time, this court finds it appropriate to lift the dispositive motion deadline set out in
2 the discovery and scheduling order. This court will, if necessary, set a new deadline after both
3 defendant's motion for terminating sanctions and plaintiff's motion to amend are resolved. In
4 addition, this court will require defendant to respond to plaintiff's statements in his recent filing
5 that he has complied with the court's June 29 order granting defendant's motion to compel and
6 that defendant's prior counsel included a confidential document in a public filing.

7 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

8 1. Defendant's motion for an extension of the dispositive motion deadline (ECF No. 142)
9 is granted. The October 30, 2022 deadline for filing dispositive motions is vacated.

10 2. Within twenty days of the filed date of this order, defendant shall submit a response to
11 plaintiff's October 26, 2022 filing.

12 DATED: October 27, 2022

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16 /s/ DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE
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