



2. It is hereby **ORDERED** that Defendants' Motion to Dismiss and Motion for Summary Judgment (ECF No. 33) is **DENIED**.
3. It is **ORDERED** that Plaintiff's Motion to Amend Scheduling Order (ECF No. 30) is **DENIED**.
4. The issue whether Plaintiff has exhausted his administrative remedies will be determined by this Court after an evidentiary hearing.

/s/George Z. Singal  
U.S. District Judge

Dated this 25<sup>th</sup> day of February, 2015.