

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICKY LEWIS,

Plaintiff,

v.

HOWARD SKOLNIK, et al.,

Defendants.

Case No. 2:09-CV-02393-KJD-RJJ

ORDER

Currently pending before the Court is Plaintiff's Motion for Extension of Time (#12). Plaintiff seeks an enlargement of time in which to file a responsive pleading to Defendants' Motion to Dismiss (#8). Specifically, Plaintiff avers that "Defendants' motion is premature as the case is unripe for summary judgment, due to the fact that no discovery has been done", and states that more time is needed in which to conduct discovery. (#12 at 2.) Additionally, Plaintiff requests that the Court stay Defendants' Motion to Dismiss "until after discovery has been completed." (Id.)

Defendants' Motion seeks dismissal of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. Defendants allege, *inter alia* that Plaintiff's Complaint should be dismissed due to Plaintiff's failure to exhaust his administrative remedies, and seeks summary judgment only as an alternative to dismissal.

