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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 **JEAN-MAX DARBOUZE,**
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13 Plaintiff,
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15 **v.**
16 **DR. GREG MALET,**
17 Defendant.

Case No. 2:23-cv-03055 CSK (PC)

ORDER

18 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant
19 to 42 U.S.C. § 1983. Pending before the Court is defendant's motion to vacate the discovery and
20 pretrial motion deadlines. (ECF No. 42.) For the following reasons, defendant's motion is
21 granted.

22 On June 4, 2025, this Court issued a discovery and scheduling order, setting the discovery
23 deadline for October 3, 2025 and the pretrial motion deadline for December 26, 2025. (ECF No.
24 40.) On October 2, 2025, defendant filed a motion for summary judgment on the grounds that
25 plaintiff failed to exhaust administrative remedies. (ECF No. 41.) On October 2, 2025, defendant
26 filed the pending motion to vacate the discovery and pretrial motion deadlines. (ECF No. 42.) In
27 the pending motion to vacate, defendant states that he conducted necessary investigations,
28 research, document requests and interviews in anticipation of filing a motion for summary

1 judgment based on administrative exhaustion. (Id. at 4.) Defendant states that if the Court grants
2 the pending summary judgment motion, it will obviate the need for further discovery and filing of
3 a merits-based motion. (Id.) Defendant states that in the event the pending summary judgment
4 motion is denied, defense counsel will need more time to complete any “final focused” discovery
5 and prepare a dispositive motion on the merits. (Id.)

6 This Court finds good cause to vacate the discovery and pretrial motion deadlines based on
7 the filing of defendant’s summary judgment motion on administrative exhaustion grounds. If
8 defendant’s summary judgment motion is denied, this Court will set a deadline for defendant to
9 file a motion to reopen discovery. If defendant’s summary judgment motion is denied, this Court
10 will also reset the pretrial motion deadline.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Defendant’s motion to vacate the October 3, 2025 discovery deadline and the December
13 26, 2025 pretrial motion deadline (ECF No. 42), is granted; and

14 2. As discussed in this order, following resolution of defendant’s pending summary
15 judgment motion if appropriate, the pretrial motion deadlines will be reset and a deadline will be
16 set for defendant to file a motion to reopen discovery.

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18 Dated: October 15, 2025

19 
20 CHI SOO KIM
21 UNITED STATES MAGISTRATE JUDGE

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