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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Stephen Louis Rudisill,

10 Plaintiff,

11 v.

12 Charles L Ryan, et al.,

13 Defendants.
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No. CV-17-00033-TUC-CKJ

ORDER

15 Pending before the Court is Defendants' Motion to Extend Deadline for Defendant
16 Ryan to Respond to Plaintiff's "Second Request for Production of Documents from
17 Defendant Charles L. Ryan" Dated February 8, 2019. (Doc. 109). Plaintiff propounded his
18 second set of requests for production upon Defendant Ryan on February 8, 2019. Counsel
19 for Defendant Ryan states that they require additional time to research, procure, and redact
20 the vast array of documents sought in Plaintiff's requests. On March 14, 2019, Plaintiff
21 filed an objection (Doc. 110) to Counsel's Motion to Extend, claiming that counsel's
22 request was untimely. Defendants filed a reply (Doc. 111), alleging that, under Fed. R. Civ.
23 P. 34 and Fed. R. Civ. P. 6, their request was timely.

24 Plaintiff propounded his discovery requests on February 8, 2019. Ordinarily, a party
25 has 30 days after being served with discovery requests to respond. *See* Fed. R. Civ. P.
26 34(b)(2)(A). Therefore, Defendant Ryan had until March 11, 2019 to respond to Plaintiff's
27 discovery requests. However, since Plaintiff transmitted his discovery requests through
28 mail, Fed. R. Civ. P. 6(d) instructs that three (3) days are added after the period would

1 otherwise expire. Therefore, Defendants had until March 14, 2019 to respond to Plaintiff's
2 discovery requests. Defendants filed the underlying Motion to Extend on March 12, 2019.

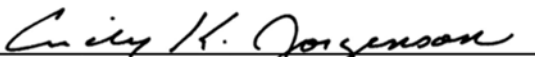
3 Plaintiff contends that Defendants' request was untimely due to the "prison mailbox
4 rule." Under that rule, "a prisoner's federal habeas petition is deemed filed when he hands
5 it over to prison authorities for mailing to the district court." *Huizar v. Carey*, 273 F.3d
6 1220, 1222 (9th Cir. 2001). Plaintiff alleges that courts "have generally applied this 'prison
7 mailbox' Rule to other civil litigation deadlines as well, including the filing of the
8 complaint." (Doc. 110, pg. 3). Despite that contention, Plaintiff provides no support
9 showing that the rule has been applied to discovery requests propounded by a prisoner. The
10 idea behind the rule is presumably to avoid prejudice to prisoners who have no control of
11 the transit of their legal documents once they are transmitted to the care of prison
12 authorities. If the rule was applied to Plaintiff's discovery requests, it would not only fail
13 to fulfill its original purpose, but would also effectively deprive Defendants of their rightful
14 time-frame to respond as prescribed by Fed. R. Civ. P. 34(b)(2)(A). Therefore, the Court
15 finds the "prison mailbox rule" does not apply to Plaintiff's discovery requests and finds
16 Defendants' request to be timely.

17 Furthermore, the Court finds that Defendants' request is reasonable. Although it is
18 the subject of a separate motion (Doc. 108), the Court is concerned by the sheer volume of
19 Plaintiff's discovery requests. In total, to date, Plaintiff has propounded 479 separate
20 discovery requests upon Defendants. *Id.* at 5. This is a staggering number and the Court
21 finds that Defendants have more than shown good cause for a two-week extension of time.

22 IT IS HEREBY ORDERED:

- 23 1. Defendants' Motion to Extend Deadline (Doc. 109) is **granted**.
- 24 2. Defendants have until March 28, 2019 for Defendant Ryan to respond to
25 Plaintiff's Second Set of Requests for Production dated February 8, 2019.

26 Dated this 19th day of March, 2019.

27 
28 Honorable Cindy K. Jorgenson
United States District Judge