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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT GARBER,)	Case No. CV 10-07144 DDP (RNBx)
)	
Plaintiff,)	ORDER RE: MOTION TO COMPEL
)	
v.)	[Dkt. No. 109]
)	
MOHAMMADI, #36506,)	
Lead-officer for the Los)	
Angeles Police Department:)	
et al.,)	
)	
Defendants.)	
_____)	

Presently before the court is Plaintiff Robert Garber ("Plaintiff")'s motion to compel the disclosure of certain evidence under Federal Rule of Civil Procedure 37. (Dkt. No. 109). The matter has been briefed. Having considered the parties' submissions and heard oral argument, the court adopts the following Order denying the motion.

In this motion, Plaintiff moves that the court compel Defendants to produce certain documents and information and issue unspecified sanctions due to Defendant's failure to so. The requested documents and information are: the name and address of a

1 witness who has been designated Jane Doe; notes from officers who
2 were in communication with Jane Doe; notes, declarations,
3 audio/video recordings interviews with Jane Doe; names and contact
4 information for acquaintances of Plaintiff, "Alberta" and "Berna,"
5 who Plaintiff asserts were witnesses to his arrest on August 7,
6 2010; notes, field-cards, audio-recordings of interviews with these
7 witnesses; and Defendant Hamed Mohammadi's age. (Motion at 2.)

8 Plaintiff's motion is untimely. The discovery cut-off date in
9 this case was April 14, 2014. (Dkt. No. 101 at 2.) As the court
10 explained in its February 11, 2014 Scheduling Order, "[a]ll
11 discovery motions must be heard prior to the discovery cut-off
12 date." (Id. at 1.) Because the instant motion to compel disclosure
13 of evidence was not filed by the discovery cut-off date, the motion
14 will be denied as time-barred.

15 Even if the motion were timely, it would be denied on the
16 merits. Plaintiff has asserted that Defendants have failed to
17 produce the records listed above in their Rule 26 disclosures.
18 However, Defendant states that the records are not and have never
19 been in the police's possession or control and Plaintiff has not
20 provided any basis on which to doubt Defendant's representation on
21 this issue. Moreover, as to the request for Defendant's age,
22 Plaintiff has provided no explanation as to why that information is

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1 relevant to this case and the court does not perceive any basis for
2 its relevance.

3 Accordingly, Plaintiff's motion to compel is DENIED.

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5 IT IS SO ORDERED.

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Dated: July 16, 2014

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DEAN D. PREGERSON
United States District Judge

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