

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 16-0991-JVS-KK** Date: March 20, 2017

Title: ***David Joseph Samson v. United State of America, et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

**DEB TAYLOR**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order Denying Plaintiff's Motion to Compel [Dkt. 49]**

On March 13, 2017, Plaintiff David Joseph Samson ("Plaintiff") filed a Motion to Compel Production of Documents from Defendants United States of America and Ladrew Price ("Defendants"). ECF Docket No. ("Dkt.") 49. On March 6, 2017, Plaintiff filed a Notice of Change of Address informing the Court he was released from custody on March 1, 2017. Dkt. 48.

Pursuant to the Court's Case Management Scheduling Order, "[i]f no party to the action is in custody, the regular Local Rules governing the noticing and briefing of [discovery] motions shall apply, including the meet and confer and joint stipulation requirements of Local Rules 37-1 and 37-2." Dkt. 40 at 3.

Pursuant to Local Rule 37-1, "[p]rior to the filing of any motion relating to discovery pursuant to F. R. Civ. P. 26-37, counsel for the parties shall confer in a good faith effort to eliminate the necessity for hearing the motion or to eliminate as many of the disputes as possible."<sup>1</sup> L.R. 37-1. Moreover, "[t]he Court will not consider any discovery motion in the absence of a joint stipulation or a declaration from counsel for the moving party establishing that opposing counsel (a) failed to confer in a timely manner in accordance with L.R. 37-1; (b) failed to

<sup>1</sup> Pursuant to Local Rule 1-3, "[p]ersons appearing pro se are bound by these rules, and any reference in these rules to 'attorney' or 'counsel' applies to parties pro se unless the context requires otherwise." L.R. 1-3.

provide the opposing party's portion of the joint stipulation in a timely manner in accordance with L.R. 37-2.2; or (c) refused to sign and return the joint stipulation after the opposing party's portion was added." L.R. 37-2.4.

Here, Plaintiff filed the instant Motion to Compel without a Joint Stipulation pursuant to Local Rule 37-2 and failed to include a declaration establishing he adequately met and conferred pursuant to Local Rule 37-1. See L.R. 37-2.4. The discovery request Plaintiff appears to have served on Defendants on January 18, 2017, which Plaintiff also describes as "a meet and confer," does not meet Plaintiff's obligation pursuant to Local Rule 37-1 to meet and confer regarding the substance of the discovery dispute after Defendants fail to adequately respond. See Dkt. 49 at 4. Hence, the Court declines to consider Plaintiff's Motion and Plaintiff's Motion is DENIED without prejudice.

**IT IS SO ORDERED.**