

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY GRAVES,)	
)	No. 1:03-cv-06837-GMS
Plaintiff,)	
)	
vs.)	ORDER
)	
- KELLY,)	
)	
Defendant.)	
)	

Pending before the Court are Plaintiff Johnny Graves’ Motion to Compel (Dkt. # 31), Motion for an Order Compelling Discovery and Request for Permission to Amend Original Motion (Dkt. # 33), and Defendant’s Motion for an Extension of Time to File Dispositive Motion (Dkt. # 34). Plaintiff filed a request asking for “all evidence, every report that was written, M&A Reports and incident reports of the incident.” Plaintiff does not contest that he has received copies of those documents. Therefore, his motion is denied.

In Plaintiff’s second Motion for an Order Compelling Discovery and Request for Permission to Amend Original Motion (Dkt. # 33), the Court cannot determine that he has made any additional arguments other than that he acknowledges having had in his possession his CDCR central file and medical file which contained this information from the initiation of the litigation. Further, without ever having filed a request for such documents, Plaintiff now desires the Court to compel documents regarding alleged misconduct both past or pending against Corrections Officer J. Kelly. Fairly read, Plaintiff

1 has never requested such documents. Thus the Court declines to compel their disclosure.

2 Therefore,

3 **IT IS HEREBY ORDERED:**

4 1. Denying Plaintiff's Motion to Compel (Dkt. # 31).


5 2. Denying Plaintiff's Motion for an Order Compelling Discovery and Request
6 for Permission to Amend Original Motion (Dkt. # 33).

7 3. Granting Defendant's Request for Extension of Time to File Dispositive
8 Motion (Dkt. # 34), and extending the deadline, to and including **September 25, 2009**.

9 DATED this 28th day of July, 2009.

10

11



12

G. Murray Snow
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28