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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RAYMOND WRIGHT,

Plaintiff,

v.

RUMBLES, et al.,

Defendants.

CASE NO. 1:05-cv-01485-SKO PC

ORDER DENYING PLAINTIFF’S MOTION  
TO COMPEL AS UNTIMELY

(ECF Nos. 78, 80, )

Plaintiff Raymond Wright (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the second amended complaint, filed October 21, 2006, against Defendants Rumbles and Doe for excessive force in violation of the Eighth Amendment. On September 14, 2010, the discovery and scheduling order issued in this action setting the discovery cut-off date as May 14, 2011. (ECF No. 63.) The discovery and scheduling order informed the parties that “the completion of all discovery, including filing motions to compel, shall be 05/14/2011.” (*Id.* at 2:15-16.) Plaintiff filed a motion to compel on June 3, 2011. (ECF No. 78.) The proof of service attached to Plaintiff’s motion to compel is dated May 27, 2011. Accordingly, Plaintiff’s motion to compel is untimely and is **HEREBY DENIED.**

IT IS SO ORDERED.

**Dated: September 2, 2011**

**/s/ Sandra M. Snyder**

UNITED STATES MAGISTRATE JUDGE

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