

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DONALD J. ACKLEY,

Plaintiff,

vs.

1: 06 CV 00771 AWI YNP GSA (PC)

ORDER RE MOTION (DOC 27)

D. CARROLL, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Defendants’ motion to compel discovery responses. Plaintiff has failed to oppose the motion.

Defendants seek an order compelling Plaintiff to respond to Defendants’ Request for Production of Documents (Set One), Defendant Blevin’s Request for Responses to Interrogatories from Plaintiff (Set One), Defendant Carroll’s Request for Responses to Interrogatories from Plaintiff (Set One), Defendant Uribe’s Request for Responses to Interrogatories from Plaintiff (Set One), and Defendant Wright’s Request for Responses to Interrogatorie from Plaintiff (Set One) (collectively, “Discovery Requests”). Defendants’ motion is grounded in Plaintiff’s failure to respond to Defendants’ Discovery Requets.

Defendants’ motion is supported by the declaration of defense counsel. Counsel declares

1 that Plaintiff was served with Defendants' Discovery Requests, described above, on October 14,
2 2009. Counsel attaches true and correct copies of the served discovery requests as Exhibit A-E.
3 As of the date of the filing of this motion, January 6, 2010, defense counsel has not received any
4 response to Defendants' discovery requests.

5 Pursuant to Federal Rule of Civil Procedure 37(a)(3)(B), the court may order Plaintiff to
6 provide his full and complete responses, without objections, to Defendants' discovery requests at
7 issue in this motion. Plaintiff is cautioned that Rule 37(b)(2) provides for sanctions, including
8 dismissal, for failure to obey a discovery order. Plaintiff has not filed opposition to this motion,
9 or shown cause why this motion should not be granted.

10 Accordingly, IT IS HEREBY ORDERED that Defendants' motion to compel is granted.
11 Plaintiff is ordered to respond to Defendants' Discovery Requests, described above, within
12 twenty days of the date of service of this order.

13
14 IT IS SO ORDERED.

15 **Dated: February 8, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE