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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ERIC CHARLES RODNEY K'NAPP,

12 Plaintiff,

13 vs.

14 D. G. ADAMS, et al.,

15 Defendants.
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1:06-cv-01701-LJO-GSA-PC

ORDER CLOSING DISCOVERY

ORDER FOR DEFENDANTS TO FILE
OPPOSITIONS OR NOTICES OF NON-
OPPOSITION TO PLAINTIFF'S FOUR
MOTIONS TO COMPEL, BY JANUARY
24, 2014
(Docs. 108, 109, 110, 113.)

ORDER EXTENDING DEADLINE TO FILE
PRETRIAL DISPOSITIVE MOTIONS, FOR
ALL PARTIES
(Doc. 98.)

**New Deadline for Filing Pretrial Dispositive
Motions:**

April 30, 2014

22 **I. BACKGROUND**

23 Eric Charles Rodney K'napp ("Plaintiff") is a state prisoner proceeding pro se with this
24 civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
25 commencing this action on November 22, 2006. (Doc. 1.) This action now proceeds on the
26 Second Amended Complaint filed by Plaintiff on November 13, 2008, against defendants
27 Warden Derral G. Adams, Lieutenant ("Lt.") E. Smith, Lt. J. T. Tucker, Associate Warden S.
28 Sherman, and D. Selvy (Classification Services Representative), for retaliating against Plaintiff

1 by confining him in Ad-Seg under false pretenses and transferring him to another prison, and
2 against defendants K. Motty, Sgt. C. Pugliese, Lt. Smith, R. Guerrero, Appeals Coordinator
3 Cooper, Appeals Coordinator V. R. Garcia, Appeals Coordinator R. Hall, and Does 1-5
4 (Mailroom Workers) for interfering with his right to send mail in violation of the First
5 Amendment.¹ (Doc. 16.)

6 On January 4, 2013, the court issued a Scheduling Order establishing pretrial deadlines
7 for the parties, including a deadline of September 4, 2013 to complete discovery. (Doc. 98.)
8 The discovery deadline has not been extended; however, Defendants requested and were
9 granted two extensions of time to respond to Plaintiff's Requests for Admissions, causing their
10 responses to be due after the discovery deadline had expired. (Docs. 103, 105, 106, 107.)

11 Now pending are four motions to compel filed by Plaintiff:

- 12 (1) On September 23, 2013, Plaintiff filed a motion to compel Defendants to
13 produce documents in response to Plaintiff's First Request for Production of
14 Documents. (Doc. 108.);
- 15 (2) On October 28, 2013, Plaintiff filed a motion for the court to deem all
16 challenged statements in Plaintiff First Request for Admissions admitted, or in
17 the alternative, to compel Defendants to make further responses to Plaintiff's
18 First Request for Admissions. (Doc. 109.);
- 19 (3) On November 4, 2013, Plaintiff filed a motion for the court to deem all
20 challenged statements in Plaintiff Second Request for Admissions admitted, or
21 in the alternative, to compel Defendants to make further responses to Plaintiff's
22 Second Request for Admissions. (Doc. 110.); and

23
24 ¹On March 12, 2012, Plaintiff's claims for retaliation based on allegations that defendants (1) denied him
25 indigent correspondence supplies, (2) delayed his mail, (3) obstructed his outgoing mail, (4) denied him all but the
26 May 2005 issue of his subscription of Prison Legal News, (5) issued a false disciplinary write-up against Plaintiff
27 for having a clothesline inside his cell, and (6) instructed CDCR personnel at SATF to limit Plaintiff to a sixty-
28 minute non-contact visit with a visitor who had come over 250 miles to see him, were dismissed by the Court
based on Plaintiff's failure to exhaust remedies before filing suit. (Doc. 88.) The Court also dismissed defendants
Meaders, Cuevas, and Johnson from this action, based on Plaintiff's failure to exhaust remedies for the claims
against them before filing suit. (*Id.*) All other claims and defendants, other than those listed above, were
dismissed from this action by the Court on August 17, 2009, based on Plaintiff's failure to state a claim. (Doc. 29.)

1 (4) On November 25, 2013, Plaintiff filed a motion for the court to deem all
2 challenged statements in Plaintiff Third Request for Admissions admitted, or in
3 the alternative, to compel Defendants to make further responses to Plaintiff's
4 Third Request for Admissions. (Doc. 113.)

5 Defendants have not file oppositions or any other response to the pending motions to
6 compel.

7 **II. DISCOVERY IS CLOSED**

8 Discovery is now closed in this action. The deadline for the completion of discovery,
9 including the filing of motions to compel, established by the court's Scheduling Order of
10 January 4, 2013, expired on September 4, 2013. (Doc. 98.) In light of the fact that Defendants
11 were granted two extensions of time to respond to Plaintiff's Requests for Admissions, causing
12 their responses to be due after the September 3, 2013 deadline, the court shall accept Plaintiff's
13 four late motions to compel and deem them timely. However, no further motions to compel
14 shall be accepted as timely in this action, and the parties are precluded from conducting further
15 discovery.

16 **III. OPPOSITON TO MOTIONS TO COMPEL**

17 Defendants have not filed any opposition or other response to Plaintiff's four pending
18 motions to compel. At this juncture, Defendants shall be required to file an opposition, or
19 notice of non-opposition, to each of Plaintiff's four motions. Defendants shall be granted until
20 January 24, 2014 to file their responses. The court also finds good cause to extend the deadline
21 for filing dispositive motions, for all parties, until April 30, 2014.

22 **IV. CONCLUSION**

23 Based on the foregoing, IT IS HEREBY ORDERED that:

- 24 1. Discovery in this action is now closed;
- 25 2. Defendants are required to file an opposition, or notice of non-opposition, to
26 each of Plaintiff's four pending motions to compel discussed above, by January
27 24, 2014;

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- 3. The deadline for filing pretrial dispositive motions is extended to April 30, 2014, for all parties to this action; and
- 4. All other provisions of the court's Scheduling Order issued on January 4, 2013, remain the same.

IT IS SO ORDERED.

Dated: December 6, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE