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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOSEPH SANCHEZ,

CASE NO. 1:07-cv-00128-LJO-SMS PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION TO COMPEL; FOR THIRTY DAY STAY ON ALL PROCEEDINGS; FOR THIRTY DAY EXTENSION TO DISCOVERY CUT-OFF; FOR SUBPOENA’S FOR DOCUMENTS; and DEFENDANTS’ MOTION TO COMPEL DISCOVERY AS MOOT

v.

STANCLIFF, et al.,

Defendants.

/ (Docs. 65, 72, 75, 76, & 78)

Plaintiff Anthony Joseph Sanchez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Various discovery motions are pending before the Court.

This action is proceeding on Plaintiff’s First Amended Complaint. (Doc. 22.) On August 19, 2008, the Court issued a discovery and scheduling order establishing a deadline of April 15, 2009, for the parties to conduct discovery, including motions to compel. (Doc. 41.)

On February 23, 2009, Plaintiff filed a Motion to Compel Defendants to Disclose and Produce Items Previously Requested, which Defendants opposed. (Docs. 65, 73.) On March 11, 2009, Plaintiff filed a Motion for Thirty Day Stay on all Proceedings, which was not opposed. (Doc. 72.) On April 14, 2009, Defendants filed a Motion to Compel Discovery, which Plaintiff did not oppose, to which Defendants filed a reply. (Docs. 75, 83.) On April 16, 2009, Plaintiff filed a Motion for Thirty Day Extension of Discovery Cut-off Date, which Defendants opposed. (Docs. 76, 81.) On April 22, 2009, Plaintiff filed a Motion for Subpoena’s for Documents,

1 which Defendants opposed. (Docs. 78, 82.)

2 On March 27, 2009, Defendants filed an amended motion to dismiss for failure to
3 exhaust. (Doc. 74.) On June 15, 2009, Defendants filed a motion for summary judgment based
4 on a duplicate of the evidence submitted in their amended motion to dismiss. (Doc. 84.) None
5 of the above discovery motions had been ruled on such that the Court reviewed all of the above
6 motions, and exhibits thereto in arriving at the findings and recommendation on both
7 Defendants' amended motion to dismiss and motion for summary judgment.¹ (Docs. 74, 84.)
8 The findings and recommendations on Defendants' amended motion to dismiss and motion for
9 summary judgment concurrently issued with this order recommends that judgment be entered for
10 the Defendants and against Plaintiff. In light of the findings and recommendations on
11 Defendants' amended motion to dismiss and motion for summary judgment, the Court denies
12 Plaintiff's Motions to Compel (Doc. 65); Motion for Thirty Day Stay on All Proceedings (Doc.
13 72); Motion for Thirty Day Extension to Discovery Cut-off (Doc. 76); Motion for Subpoena's for
14 Documents (Doc. 78); and Defendants' Motion to Compel Discovery (Doc. 75) as the issues in
15 these motions are moot.

16 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel
17 Defendants to Disclose and Produce Items Previously Requested filed on February 23, 2009;
18 Plaintiff's Motion for Thirty Day Stay on all Proceedings filed on March 11, 2009; Defendants
19 Motion to Compel Discovery filed on April 14, 2009; Plaintiff's Motion for Thirty Day
20 Extension of Discovery Cut-off Date filed on April 16, 2009; and Plaintiff's Motion for
21 Subpoena's for Documents filed on April 22, 2009 are DENIED.

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23 IT IS SO ORDERED.

24 **Dated: August 10, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Court found that resolution of the issues in these motions would have no bearing on the Findings and Recommendations concurrently issued and would not create valid basis to continue the motions addressed therein under Federal Rule of Civil Procedure 56(f).