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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SAMUEL DANCY, JR.,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:07-cv-00716-OWW-SMS PC

ORDER DENYING PLAINTIFF’S MOTION  
FOR AN ORDER COMPELLING  
ACKNOWLEDGE OF RECEIPT  
OF DISCOVERY RESPONSES

(Doc. 60)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Samuel Dancy, Jr., a state prisoner proceeding pro se and in forma pauperis. On December 22, 2009, Plaintiff filed a motion seeking an order compelling Defendants to acknowledge receipt of his discovery responses.

Defendants filed motions to compel Plaintiff to respond to their discovery requests on August 6, 2009. The motions were granted on October 27, 2009, and Plaintiff was ordered to serve his responses within forty-five days. Plaintiff’s position is that he served complete responses on September 2, 2009, and no longer has the interrogatories because he returned them on that date. Plaintiff seeks an order compelling Defendants to acknowledge receipt of his discovery responses.

Neither Plaintiff nor Defendants notified the Court that the motions to compel were moot, and therefore, the Court ruled on the motions on October 27, 2009. To the extent that Plaintiff served complete responses to the discovery requests at issue in Defendants’ motions to compel after the motions were filed but before the Court ruled, the Court’s order has been satisfied and there are no further matters pending with respect to the order or Plaintiff’s compliance. In light of the fact that more than forty-five days have passed since the order was issued and there are no motions to

1 compel pending, the Court's involvement in this matter has come to a conclusion. Given the absence  
2 of evidence in the record to the contrary, it appears Defendants received Plaintiff's response and are  
3 satisfied, as they did not file another motion to compel.

4 If Plaintiff wishes to verify receipt of his discovery responses by Defendants, he may write  
5 defense counsel a letter and request that relief. The Court involves itself in discovery matters only  
6 if there is an issue pending before it which requires Court intervention, and there are no longer any  
7 pending discovery matters in this action. Plaintiff's motion for an order requiring Defendants to  
8 acknowledge receipt of his discovery responses is **HEREBY ORDERED DENIED.**

9  
10 **IT IS SO ORDERED.**

11 **Dated: February 4, 2010**

**/s/ Sandra M. Snyder**  
**UNITED STATES MAGISTRATE JUDGE**