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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,

CASE NO. 1:07-cv-01632-AWI-GSA PC

Plaintiff,

ORDER STRIKING UNTIMELY MOTION TO
COMPEL

v.

(Doc. 75)

SGT. DAVIS, et al.,

Defendants.

On October 19, 2009, Plaintiff Michael Lenoir Smith, a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983, filed a motion to compel.

The deadline for the completion of all discovery, including filing motions to compel, was August 19, 2009. Fed. R. Civ. P. 16(b). (Docs. 51, 73.) Plaintiff's motion is untimely and is **HEREBY ORDERED STRICKEN** from the record.

IT IS SO ORDERED.

Dated: October 22, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE