

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  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILLIAM B. PRUITT,

Plaintiff,

v.

CLARK, et al.,

Defendants.

CASE NO. 1:07-cv-01709-AWI-SKO PC

ORDER DENYING PLAINTIFF’S MOTION  
TO COMPEL AS MOOT

(Doc. 29)

Plaintiff William B. Pruitt, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 26, 2007. This action is proceeding against Defendants Swinford, Bonilla, Lara, Curtiss, and Wan on Plaintiff’s Fourth Amendment strip search claim.<sup>1</sup> On April 29, 2011, Plaintiff filed a motion to compel responses to his interrogatories, set one, served on Defendant Swinford. Defendant Swinford filed an opposition on May 18, 2011.

Defendant Swinford is in the process of preparing supplemental responses to Plaintiff’s full set of interrogatories, which will include information not available at the time the initial responses were prepared. Were the Court to reach Plaintiff’s motion on the merits and find in his favor, the Court would order Defendant Swinford to serve supplemental responses. In light of the fact that

///  
///  
///

---

<sup>1</sup> Identified as Defendants Swimford and Laura in the amended complaint.

1 Defendant Swinford is currently undertaking that very process, Plaintiff's motion to compel is moot  
2 and there is no justification for an expenditure of resources to reach the merits.<sup>2</sup>

3 If she has not already done so, Defendant Swinford shall serve her supplemental responses  
4 on Plaintiff within forty-five days. If Plaintiff is dissatisfied with the supplemental responses, he is  
5 not precluded from filing a motion to compel once he receives and reviews the responses.

6 Accordingly, Plaintiff's motion to compel, filed on April 29, 2011, is HEREBY DENIED  
7 as moot, and Defendant SHALL serve her supplemental responses within forty-five days from the  
8 date of service of this order, if she has not done so already.

9  
10 IT IS SO ORDERED.

11 **Dated: May 19, 2011**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>2</sup> The deadline to file a reply has not expired, but given that the supplemental responses are forthcoming rather than already in Plaintiff's possession, there is no additional information that Plaintiff could provide in the reply that would alter the Court's decision regarding the mootness of Plaintiff's motion.