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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALEX LAMOTA MARTI,

CASE NO. 1:08-cv-00653-AWI-SKO PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION
FOR SANCTIONS, WITHOUT PREJUDICE,
AS PREMATURE

v.

M. A. BAIREES, et al.,

(Doc. 46)

Defendants.

Plaintiff Alex Lamota Marti, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 9, 2008. On November 2, 2011, Plaintiff filed a motion seeking the imposition of sanctions against Defendants for failure to comply with a court order. Fed. R. Civ. P. 37.

Pursuant to the Court’s order of October 11, 2011, Defendants were required to re-serve their discovery responses on Plaintiff within fifteen days from the date of service of the order. Pursuant to the Federal Rules of Civil Procedure governing service and the computation of time, Defendants were required to serve their responses by mail on or before October 31, 2011. Fed. R. Civ. P. 5(b); Fed. R. Civ. P. 6(a), (d). Plaintiff’s motion for sanctions, served by mail on October 30, 2011, was prematurely filed.

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1 Accordingly, Plaintiff's motion for sanctions is HEREBY DENIED, without prejudice, as
2 premature.

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4 IT IS SO ORDERED.

5 **Dated:** November 3, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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