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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD L. GRAY II,
Plaintiff,
vs.
D. ROBINSON, et al.,
Defendants.

1:08-cv-00778-OWW-GSA-PC
ORDER STRIKING PLAINTIFF’S
MOTION TO COMPEL AS
UNTIMELY
(Doc. 36.)

_____/

Edward L. Gray II (“plaintiff”) is a state prisoner proceeding with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on September 25, 2007, at the United States District Court for the Central District of California. The case was transferred to the Eastern District of California on May 9, 2008. This case now proceeds on plaintiff’s first amended complaint filed on August 18, 2008. (Doc. 6.)

On January 28, 2010, the court issued an order modifying the court’s December 1, 2009 scheduling order for all parties to this action, extending the discovery deadline to April 1, 2010 and extending the pretrial dispositive motion to June 1, 2010. (Doc. 34.) The deadlines have not been further extended. On April 22, 2010, plaintiff filed a motion to compel discovery. (Doc. 36.)

“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir.1992) (citation and internal

1 quotation marks omitted). On motion or on its own, the court may issue any just orders if a party or
2 its attorney fails to obey a scheduling or other pretrial order. Fed.R.Civ.P. 16(f)(1)(C).

3 Plaintiff's motion to compel discovery was filed more than two weeks after the expiration of
4 the April 1, 2010 discovery deadline in this action. Therefore, plaintiff's motion is untimely and
5 shall be stricken.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel discovery, filed
7 on April 22, 2010, is STRICKEN as untimely.

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9 IT IS SO ORDERED.

10 **Dated: June 1, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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