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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH L. HOWARD,

Plaintiff,

v.

A. HEDGPETH, et al.,

Defendants.

Case No. 08cv0859 RTB (PCL)

**ORDER GRANTING
PLAINTIFF’S MOTION TO
COMPEL DISCOVERY**

(Doc. No. 37)

Plaintiff Kenneth L. Howard, a state prisoner proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint under 42 U.S.C. § 1983 on June 19, 2008. (Doc. No. 10.) On June 1, 2010, Plaintiff filed a Motion to Compel Discovery seeking responses to outstanding Interrogatories, Requests for Productions of Documents and Requests for Admissions. (Doc. No. 37.) The Court issued a Briefing Schedule requiring Defendants to Oppose Plaintiff’s Motion or indicate their non-opposition to the Court by June 22, 2010. However, Defendants failed to respond to the Court’s Order by that date. (See Doc. No. 41.) On July 9, 2010, Plaintiff filed a timely Motion for Sanctions requesting imposition of sanctions on Defendants for failure to comply with the Court’s Order. (Doc. No. 40.)

Thereafter, on July 15, 2010, the Court held a telephonic Mandatory Settlement Conference during which the parties were present via telephone and advised the Court of the status of this case. At this Conference, defense counsel indicated non-opposition to the Motion to Compel and requested ten (10) days to produce the requested responses.

1 After reviewing the Motion to Compel Discovery, Motion for Sanctions and Defendants'
2 Statement of Non-Opposition to the Motion to Compel, and being advised of the status of the
3 case, Plaintiff's Motion to Compel Discovery is GRANTED in its entirety. Defendants must
4 produce all discovery indicated in Plaintiff's Motion by July 26, 2010. The Court takes
5 Plaintiff's Motion for Sanctions under submission at this time.

6 **IT IS SO ORDERED.**

7 DATED: July 15, 2010



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9 U.S. Magistrate Judge
United States District Court

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11 cc: The Honorable Roger T. Benitez
All Parties and Counsel of Record

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