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

Christopher J. Martinez,
Plaintiff,
vs.
Correctional Officer A. Amith, et al.,
Defendants.

No. CV 08-0875--NVW
ORDER

Pending before the Court is Plaintiff’s Motion Requesting Order to Compel Discovery (doc. # 24) and Defendants’ Opposition (doc. # 27). Because the motion is procedurally inadequate but may be cured by complying with the rules described below, the motion is denied without prejudice. Pursuant to FED. R. CIV. P. 37(a)(1), a party may move for an order compelling discovery if the movant has given notice to all affected parties and has included a certification that the movant has conferred or attempted to confer in good faith with the party from whom discovery is sought. Furthermore, a motion to compel discovery will not be heard unless the parties have “conferred and attempted to resolve their differences,” and, to the extent the differences are not resolved, have “set forth their differences and the bases therefore in a joint statement re discovery disagreement.” E.D. Cal. R. 37-251(b). Pursuant to E.D. Cal. R. 37-251(c), the joint statement re discovery disagreement must include the following:

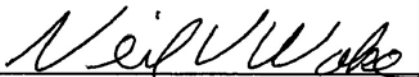
- 1 (1) Details of the attempt to confer;
2 (2) A statement of the nature of the case and its factual disputes as relevant to
3 the discovery dispute; and
4 (3) A full reproduction of each specific interrogatory or other discovery request
5 objected to, the objection to each request, and each party's argument as to
6 each contested discovery request.

7 Plaintiff's Motion to Compel is defective in more than one respect. First, it fails to
8 certify that the parties have conferred in a good faith attempt to resolve the dispute before
9 resorting to judicial action. Second, it does not include a joint statement re discovery
10 disagreement, as required by E.D. Cal. R. 37-251(b), outlining each specific discovery
11 request and the objections thereto. Without each specific discovery request and its
12 relevant objections, the Court has no basis upon which to decide the dispute.

13 IT IS THEREFORE ORDERED that Plaintiff's Motion Requesting Order to
14 Compel Discovery (doc. # 24) is denied without prejudice.

15 DATED this 16th day of October, 2009.

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Neil V. Wake
United States District Judge