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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Latwahn McElroy CDCR #P-71922	)	Civil No. 08cv1221 JM (AJB)
	)	
Plaintiff,	)	<b>ORDER DENYING PLAINTIFF’S</b>
v.	)	<b>MOTION TO COMPEL PRODUCTION</b>
	)	<b>OF DOCUMENTS AS MOOT</b>
Roy Cox, et. al.,	)	
	)	[Doc. Nos. 48 & 49.]
Defendants.	)	
_____	)	

On October 1 and 6, 2010, Plaintiff filed identical motions to compel production of documents. On October 13, 2010, Defendants filed an opposition to Plaintiff’s motion to compel. In the opposition, Defendants state that they were served with the first set of requests for production of documents on August 22, 2010. Defendants state that they timely served their responses on September 21, 2010. Six days later, on September 27, 2010, Plaintiff served on Defendants the motion to compel. It appears that Plaintiff had not yet received Defendants’ responses when Plaintiff filed his motion to compel. On October 7, 2010, Defendants served Plaintiff with supplemental responses.

Accordingly, the Court DENIES Plaintiff’s motion to compel production of documents as moot as it appears that Plaintiff has been served with Defendants’ responses. In addition, the Court notes that Plaintiff filed the motion to compel without a meet and confer required under Civil Local Rule 26.1(a). Therefore, if Plaintiff seeks to file further discovery motions, he must first meet and confer with

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1 Defendants prior to filing a discovery motion in this Court.


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3 IT IS SO ORDERED.

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5 DATED: October 15, 2010

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Hon. Anthony J. Battaglia  
U.S. Magistrate Judge  
United States District Court

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