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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE H. ROBINSON,

CASE NO. 1:08-cv-01380-AWI-SKO PC

Plaintiff,

ORDER RE MOTIONS

v.

(Docs. 53, 57, 58)

D. ADAMS, et al.,

Defendants.

Plaintiff George H. Robinson (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court are three motions from Plaintiff.

On April 27, 2010, Plaintiff filed a motion to compel. (Doc. #53.) Plaintiff’s motion to compel requests that the Court compel Defendants R. Garcia and M. Melo to respond to Plaintiff’s interrogatories, served on February 25, 2010. Plaintiff claims that he has not received any responses. Defendants have not filed an opposition to Plaintiff’s motion to compel. To the extent that Defendants have not yet responded, the Court orders Defendants to prepare and serve responses to Plaintiff’s February 25, 2010 interrogatories. Defendants shall serve their responses within fourteen (14) days of the date of service of this order. The Court will provide Plaintiff with thirty (30) days after the receipt of those responses to prepare and file a motion to compel, if necessary.

On May 17, 2010, Plaintiff filed a motion requesting a status conference. (Doc. #57.) Plaintiff states that “[a] status conference is needed in this matter to get the case moving forward” and that “there remain some serious discovery issues that needs[sic] to be discussed and resolved.”

1 (Pl's Notice of Mot. and Mot. for a Status Conference 1, ECF No. 57.) However, Plaintiff provides
2 no details as to what outstanding discovery issues exist and it is unclear why those issues must be
3 resolved through a status conference. Accordingly, Plaintiff's request for a status conference will
4 be denied.

5 On June 7, 2010, Plaintiff filed a motion for an extension of time to amend the pleadings,
6 conduct discovery, and file dispositive motions. (Doc. #58.) Plaintiff requests a seven (7) month
7 extension of time which would extend the deadline to amend the pleadings and conduct discovery
8 to February 1, 2011, and extend the deadline to file dispositive motions to March 1, 2011. Plaintiff
9 argues that such an extension is necessary because he has another lawsuit that is scheduled for trial
10 on July 27, 2010. Defendants have not opposed Plaintiff's motion.

11 However, the only outstanding discovery issue identified by Plaintiff is the April 27, 2010
12 motion to compel. The resolution of the issue raised in Plaintiff's motion to compel does not justify
13 a seven (7) month extension of time. The Court will extend the discovery deadline solely for the
14 purpose of resolving the issue raised in Plaintiff's April 27, 2010 motion to compel. As set forth
15 above, the Court will order Defendants to respond to Plaintiff's interrogatories within fourteen (14)
16 days of the date of service of this order. The Court will grant Plaintiff thirty (30) days after receipt
17 of the responses to prepare and file a motion to compel, if necessary. The parties may not use this
18 time to prepare new discovery requests.

19 Plaintiff has also expressed an intent to amend his complaint. However, Plaintiff has not
20 requested or received leave to amend his complaint, as required by Federal Rule of Civil Procedure
21 15(a)(2). Nor has Plaintiff explained why leave to amend should be granted at this late stage in the
22 litigation. Since Plaintiff has not raised any facts that would justify leave to amend, the Court will
23 deny Plaintiff's request for an extension of the deadline to amend the pleadings.

24 Accordingly, it is HEREBY ORDERED that:

- 25 1. Plaintiff's April 27, 2010 motion to compel is GRANTED. To the extent that they
26 have not yet responded, Defendants are ordered to respond to Plaintiff's February 25,
27 2010 interrogatories within fourteen (14) days of the date of service of this order;

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- 2. Plaintiff may file a motion to compel within thirty (30) days of receiving Defendants' responses;
- 3. Plaintiff's motion for a status conference is DENIED; and
- 4. Plaintiff's motion for an extension of time is PARTIALLY GRANTED. The Court will extend the discovery deadline solely for the purpose of resolving the issues raised in Plaintiff's April 27, 2010 motion to compel. The parties may not use this extension of time to conduct additional discovery.

IT IS SO ORDERED.

Dated: June 28, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE