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

ANDREW R. LOPEZ,
Plaintiff,
vs.
FLOREZ, et al,
Defendants.

Case No. 1:08-cv-01975-LJO-JLT (PC)
**ORDER DEEMING NOTICE OF
FAILURE TO RESPOND TO
INTERROGATORIES AS A MOTION
TO COMPEL DISCOVERY RESPONSES
ORDER DENYING MOTION TO
COMPEL**
(Docs. 102 and 105).

On January 2, 2013, Plaintiff filed a “Notice of Defendant’s Failure to Respond to Interrogatories (Set Two).” (Doc. 102). Defendants objected to Plaintiff’s motion and attached a copy of the responses served on Plaintiff. (Doc. 105). The Court will deem Plaintiff’s January 2, 2013 pleading as a Motion to Compel Discovery Responses.

Plaintiff states that he sent the discovery requests to Plaintiff on November 6, 2012, but received no responses. (Doc. 102 at 1). Plaintiff claims that Defendants’ responses were due December 21 2012 and asks this Court to enter “default” and sanctions against Defendants for failing to respond. (Doc. 102). Defendants have attached copies of the responses to the interrogatories at issue. (Doc. 105-1). The documents demonstrate that Defendants’ served Plaintiff with their respective responses on December 21, 2012. Thus, Plaintiff’s need to compel the requested document is not necessary and sanctions are not warranted.

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Accordingly, it is HEREBY ORDERED that Plaintiff's January 17, 2012 motion to compel a Corrected Proof of Service and Plaintiff's January 2, 2013 motion to compel Defendants' Responses to Interrogatories, Set Two, dated November 6, 2012 are **DENIED** as moot.

IT IS SO ORDERED.

Dated: January 7, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE