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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA J. CANTU,)	1:09cv00177 AWI DLB PC
)	
Plaintiff,)	ORDER GRANTING PLAINTIFF’S
)	MOTION TO COMPEL
vs.)	(Document 120)
)	
M. GARCIA, et al.,)	ORDER EXTENDING DISPOSITIVE
)	MOTION DEADLINE TO
Defendants.)	FEBRUARY 27, 2015

Plaintiff Joshua J. Cantu (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s Second Amended Complaint against Defendants Garcia, Goree, Baptiste and Williams.¹

This action is currently in discovery. The discovery deadline is October 24, 2014. Dispositive motions must be filed by December 23, 2014.

On October 6, 2014, Plaintiff filed a motion to compel Defendant Baptiste to provide responses to Plaintiff’s Requests for Interrogatories, Numbers 1-10. Defendant Baptiste filed an opposition on October 28, 2014. Plaintiff did not file a reply and the motion is submitted pursuant to Local Rule 230(I).

¹ Findings and Recommendations are pending regarding dismissal of Defendant Williams for failure to effectuate service.

1 **DISCUSSION**

2 Parties may obtain discovery regarding any nonprivileged matter that is relevant to any
3 party's claim or defense- including the existence, description, nature, custody, condition, and
4 location of any documents or other tangible things and the identity and location of persons who
5 know of any discoverable matter. For good cause, the court may order discovery of any matter
6 relevant to the subject matter involved in the action. Relevant information need not be
7 admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of
8 admissible evidence. All discovery is subject to the limitations imposed by Federal Rule of Civil
9 Procedure 26(b)(2)(C).
10

11 Here, Plaintiff served Defendant Baptiste with interrogatories on April 23, 2014, and has
12 not received responses. In his opposition, Defendant Baptiste points out that he was not yet a
13 party to this action in April 2014. Rather, he was served in August 2014 and appeared on
14 September 23, 2014.

15 Based on this, Defendant Baptiste argues that Plaintiff's motion should be denied.
16 Alternatively, Defendant Baptiste requests that he be granted forty-five (45) days to respond to
17 the discovery requests.

18 The Court finds Defendant Baptiste's alternate suggestion appropriate given the stage of
19 these proceedings. Accordingly, the Court GRANTS Plaintiff's motion to compel and ORDERS
20 Defendant Baptiste to provide responses to the discovery, served on April 23, 2014, within forty-
21 five (45) days of the date of service of this order. As the discovery deadline has already passed,
22 this does not permit Plaintiff to propound additional discovery.
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1 The Court also EXTENDS the dispositive motion deadline to February 27, 2015.

2
3 IT IS SO ORDERED.

4 Dated: November 13, 2014

/s/ Dennis L. Beck
5 UNITED STATES MAGISTRATE JUDGE