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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRANDON L. SHERMAN,

CASE NO. 1:09-cv-00420-LJO-GBC PC

Plaintiff,

ORDER DENYING MOTION TO COMPEL AS  
PREMATURE

v.

(Doc. 40)

F. GONZALES, et al.,

Defendants.

Plaintiff Brandon L. Sherman ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 16, 2010, Plaintiff filed a motion to compel Defendants to respond to discovery requests. (Doc. 43). As Defendants point out in their opposition (Doc. 41), on November 10, 2010, the Court granted Defendants an extension of time to respond to Plaintiff's discovery requests, extending the deadline to December 13, 2010. (Doc. 37). Therefore, Plaintiff's motion is DENIED without prejudice as PREMATURE.

IT IS SO ORDERED.

Dated: May 4, 2011

  
UNITED STATES MAGISTRATE JUDGE