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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BARRY LOUIS LAMON,)	Case No.: 1:09-cv-00484-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER DENYING PLAINTIFF’S MOTION TO COMPEL AS PREMATURE
MAURICE JUNIOUS, et al.,)	[ECF No. 96]
Defendants.)	
)	
)	

Plaintiff Barry Louis Lamon is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 24, 2014, Plaintiff filed a motion to compel responses to his discovery requests. On July 28, 2014, Defendants filed an opposition to Plaintiff’s motion.

On June 2, 2014, Plaintiff propounded nine sets of discovery requests on Defendants. (ECF No. 94 at 3.) Pursuant to this Court’s discovery and scheduling order, responses to written discovery requests are to be served forty-five days after the request is first served. (ECF No. 88 at 1.) Furthermore, if service is made by mail, the Federal Rules of Civil Procedure extend the deadline by three days. Fed. R. Civ. P. 5(b)(2)(C) and 6(d). Defendants’ discovery responses were due on or before July 20, 2014 (which was a Sunday). Under Rule 6 of the Federal Rules of Civil Procedure, if the last day for filing is a Saturday, Sunday, or legal holiday, the deadline is extended to the first

1 accessible day that the clerk's office is open. Therefore, Defendants discovery responses were due on
2 July 21, 2014.

3 On July 18, 2014, Defendants requested a thirty-day extension of time to respond to Plaintiff's
4 discovery requests on the grounds that the requests were extensive and required expansive review by
5 counsel. (ECF No. 94.)

6 On July 21, 2014, upon the basis of good cause, the Court granted Defendants thirty additional
7 days to respond to Plaintiff's discovery requests. Defendants' responses are now not due until August
8 20, 2014. Accordingly, because Defendants timely sought and were granted an extension of the
9 deadline to respond to Plaintiff's discovery requests, Plaintiff's instant motion to compel is premature
10 and shall be denied on such basis.

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12
13 IT IS SO ORDERED.

14 Dated: August 6, 2014



UNITED STATES MAGISTRATE JUDGE