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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAYMAR DODDS,
Plaintiff,

v.
E. LASCANO, et al.,
Defendants.

Case No. 1:09-cv-00656-AWI-DLB PC

**ORDER GRANTING DEFENDANTS’
MOTION TO COMPEL (ECF No. 47)**

**ORDER GRANTING PLAINTIFF’S
MOTION FOR EXTENSION OF TIME TO
RESPOND TO DISCOVERY REQUESTS
NUNC PRO TUNC (ECF No. 48)**

Plaintiff Jaymar Dodds (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants E. Lascano and J. Hamlin for retaliation in violation of the First Amendment. Pending before the Court are: 1) Defendants’ motion to compel, filed May 23, 2012, and 2) Plaintiff’s motion for extension of time to respond to Defendants’ discovery requests, filed June 21, 2012. The matter is submitted pursuant to Local Rule 230(I).

Defendants move to compel responses to discovery requests which were served on Plaintiff on February 21, 2012. Defs.’ Mot. Compel 3:3-9, ECF No. 47. Defendants’ counsel submits Exhibits A, Interrogatories, set one, and B, Request for Production of Documents, set one. Defs.’ Mot., Exs. A and B. The date of service for both sets of discovery requests is February 21, 2012.

1 Pursuant to the Court's Discovery and Scheduling Order, issued on November 1, 2011,
2 discovery responses are due within forty-five days from the date that the discovery request is served.
3 ECF No. 46. Thus, Plaintiff's responses were to be served on or before April 6, 2012.

4 In Plaintiff's June 21, 2012 motion requesting an extension of time to respond to discovery
5 requests, Plaintiff requests up to and including June 23, 2012 in which to respond. Pl.'s Mot., ECF
6 No. 48. Plaintiff contends that he is currently in administrative segregation at Kern Valley State
7 Prison, and lacks access to most of his legal materials. *Id.* Additionally, because of Kern Valley
8 State Prison's staffing issues, Plaintiff has difficulties accessing the law library. *Id.*

9 Based on Plaintiff's filing, Plaintiff concedes that he did not timely respond to Defendants'
10 discovery requests. Thus, Defendants' motion to compel responses will be granted. The Court also
11 finds that Plaintiff has demonstrated good cause for an extension of time to respond to Defendants'
12 discovery requests. Thus, Plaintiff's motion will be granted nunc pro tunc.

13 Accordingly, it is HEREBY ORDERED that:

- 14 1. Defendants' motion to compel, filed May 23, 2012, is granted as stated herein; and
- 15 2. Plaintiff's motion for extension of time to respond to Defendants' discovery requests,
16 filed June 21, 2012, is granted nunc pro tunc.

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19 IT IS SO ORDERED.

20 Dated: July 31, 2012

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