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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONTE ROLANDO HARRIS, CASE No. 1:09-cv-00781-AWI-MJS (PC)

Plaintiff, ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION TO COMPEL

v. (ECF Nos. 74, 76)

H. A. RIOS, et al.,
Defendant..

_____ /

Plaintiff Donte Rolando Harris, a federal prisoner proceeding pro se, filed this civil rights action on April 27, 2009 pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). (ECF No. 1.)

This matter proceeds on Plaintiff's Second Amended Complaint against Defendants Gonzaga, Cobb, Zaragoza, and Valero for interfering with incoming mail in violation of Plaintiff's rights under the First Amendment; against Defendant Cobb for interfering with outgoing mail in violation of Plaintiff's rights under the First Amendment; and against Defendants Estrada, Cobb, Valero, and Zaragoza for violating Plaintiff's Fourteenth Amendment due process rights in connection with Plaintiff's mail. Defendants filed their Answer on October 25, 2012. (ECF No. 69.) The Court issued its

1 Discovery and Scheduling Order on October 29, 2012, setting a discovery cut-off of
2 June 29, 2013 and a dispositive motion deadline of September 9, 2013. (ECF No. 70.)

3 On January 15, 2013, Plaintiff filed a Motion to Compel Discovery Dispute
4 Resolution. (ECF No. 74.) In it he sought responses to his Second Set Request for
5 Admissions and First Set Request for Production. Defendants' February 6, 2013
6 Opposition to the Motion (ECF No. 75) asserted that responses to this discovery had
7 been served December 28, 2012.

8 On February 19, 2013, Plaintiff, acknowledging receipt of Defendants' discovery
9 responses, filed a Motion to Dismiss Discovery Dispute Resolution (ECF No. 76),

10 Accordingly, it is HEREBY ORDERED that Plaintiff's January 15, 2013 Motion to
11 Compel Discovery (ECF No. 74) be DENIED without prejudice.

12
13 IT IS SO ORDERED.

14 Dated: February 21, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE