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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,	CASE NO. 1:09-cv-00809-LJO-SMS PC
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION TO COMPEL
v.	(ECF. No.53, 55)
T. QUILLEN, et al.,	
Defendants.	

Discovery in this action opened on March 31, 2011. On June 9, 2011, Plaintiff filed a motion to compel Defendant Quillen to respond to interrogatories. (ECF No. 53.) Plaintiff brings this motion on the ground that he served the interrogatories on April 6, 2011, and has not received a response. Defendant Quillen filed an opposition to the motion on June 27, 2011. (ECF No. 55.) Defendant Quillen states that timely responses were served on May 20, 2011. In support of the motion Defendant includes a proof of service, declaring under penalty of perjury, that Defendant Quillen’s responses to Plaintiff’s interrogatories were mailed to Plaintiff on May 20, 2011.

Defendant Quillen’s responses were mailed within the forty five days required by the discovery and scheduling order, issued March 31, 2011, and were timely served. Accordingly, Plaintiff’s motion to compel discovery is HEREBY DENIED as moot.

IT IS SO ORDERED.

Dated: October 3, 2011 /s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE

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