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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOHNSON,

CASE NO. 1:09-cv-01264-AWI-SKO PC

Plaintiff,

ORDER RE MOTIONS

v.

(Docs. 20, 21, 25, 26)

L. GONZALEZ, et al.,

Defendants.

Plaintiff Anthony Johnson (“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 June 16, 2010, Plaintiff filed a “Motion to Produce any and all Documents Request by Defendants, for Production of Documents to Plaintiff, Set One, (2) for Admission to Plaintiff, Set One, (3) Interrogatories to Plaintiff, Set One.” (Doc. #25.)

Plaintiff’s motion was filed to “inform[] the court that, not only is Plaintiff producing the requested documents to the defendants, but that,[sic] Plaintiff wants the Court to realize that he has signed a medical release form for the Defendants for personal review. . .” (Mot. to Produce 1, ECF No. 25.) Plaintiff is advised that discovery is a self-executing process. Plaintiff need not inform the Court each time he responds to Defendants’ discovery requests. Plaintiff’s motion is unnecessary and will be denied.

On October 12, 2010, Plaintiff filed a motion requesting that his June 2, 2010 motion for summary judgment be stricken or withdrawn. Plaintiff claims that he filed his motion prematurely because he has not conducted sufficient legal research. Plaintiff notes that the deadline for filing

1 dispositive motions is April 4, 2011 and Defendants will not be prejudiced if Plaintiff's current
2 motion for summary judgment is disregarded and filed again at a later time. Defendants filed a
3 statement of non-opposition to Plaintiff's motion on October 14, 2010. (Doc. #27.)

4 The Court will grant Plaintiff's request and the June 2, 2010 motion for summary judgment
5 will be withdrawn without prejudice to Plaintiff's ability to re-file a motion for summary judgment
6 at a later date.¹ Consequently, Defendants' June 11, 2010 request to deny or continue the motion for
7 summary judgment will be denied as moot.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Plaintiff's June 16, 2010 motion regarding the production of documents is DENIED;
- 10 2. Plaintiff's October 12, 2010 motion is GRANTED;
- 11 3. Plaintiff's June 2, 2010 motion for summary judgment is withdrawn; and
- 12 4. Defendants' June 11, 2010 request to deny or continue the motion for summary
13 judgement is DENIED as moot.

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15 IT IS SO ORDERED.

16 **Dated: November 1, 2010**

17 **/s/ Sheila K. Oberto**
UNITED STATES MAGISTRATE JUDGE

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28 ¹The Court does not construe Plaintiff's motion as a request to modify the deadlines set in the discovery and scheduling order. Accordingly, any subsequent motion for summary judgment must be filed before the April 4, 2011 deadline.