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

FLOYD SCOTT,

Plaintiff,

v.

J. PALMER, et al.,

Defendants.

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Case No. 1:09-cv-01329-SKO (PC)

ORDER DENYING MOTION FOR  
SANCTIONS AS MOOT IN LIGHT OF  
ORDER FILED JANUARY 5, 2015

(Doc. 186)

Plaintiff Floyd Scott (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 29, 2009. This action for damages is proceeding against Defendants Palmer, Rivera, and Lopez (“Defendants”) on Plaintiff’s claim that while he was at Kern Valley State Prison in Delano, California, Defendant Palmer used excessive physical force against him and Defendants Rivera and Lopez failed to intervene, in violation of his rights under the Eighth Amendment of the United States Constitution.

On January 5, 2015, Plaintiff filed a motion seeking sanctions against Defendants for failing to timely serve their discovery response to his request for production of documents, set two. Defendants’ discovery response was due to be served by mail on December 29, 2014, and on December 30, 2014, they filed an ex parte request for a one-day extension of time. On January 5, 2015, the Court granted the request, noting the absence of any prejudice from a one-day delay.

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Plaintiff's motion for sanctions is moot in light of the Court's order and it is DENIED on that ground.<sup>1</sup>

IT IS SO ORDERED.

Dated: April 13, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Plaintiff filed his motion for sanctions after receiving a telephone call from Defendants' counsel seeking a three to five day extension of time, a request which Plaintiff refused. (Doc. 186, Motion, 2:6-11.) Given the circumstances, Plaintiff's argument that he "had" to file the instant motions is unpersuasive. (*Id.*, 3:6-7.)