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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER N. WASHINGTON,	CASE NO. 1:09-cv-01666-AWI-SKO PC
Plaintiff,	ORDER DENYING PLAINTIFF’S MOTION TO COMPEL AS PREMATURE, STRIKING INTERROGATORIES, AND STAYING ACTION PENDING SETTLEMENT CONFERENCE
v.	
DERRAL G. ADAMS,	
Defendant.	(Docs. 103 and 104)

Plaintiff Christopher N. Washington, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 21, 2009. This action is proceeding on Plaintiff’s second amended complaint, filed on March 24, 2011, against Defendant Adams for violation of Plaintiff’s rights under the Free Exercise Clause of the First Amendment of the United States Constitution.

On July 5, 2012, Plaintiff filed a motion to compel. The order opening the discovery phase of this action was filed on May 18, 2012, and served on Plaintiff by mail. (Doc. 84.) Pursuant to the order, the responding party has forty-five days within which to serve responses to discovery requests.¹ (Id.)

Given the date discovery opened, it is not possible for Plaintiff to have served discovery requests, waited for a timely response, and filed a ripe motion to compel. Indeed, Plaintiff’s motion indicates the discovery requests to which he believes he is entitled to compel a response were not

¹ Further, Federal Rule of Civil Procedure 6(d) provides for the addition of three days to the forty-five day time period.

1 served until June 6, 2012. (Doc. 103, Washington Dec., court record p. 7, ¶1.) The motion is
2 premature and it shall be denied on that ground.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. Plaintiff's motion to compel, filed on July 5, 2012, is DENIED as premature;
- 5 2. Plaintiff's interrogatories, filed on July 5, 2012, are STRICKEN pursuant to
6 paragraph 8 of the First Informational Order; and
- 7 3. This action is STAYED pending the settlement conference set for July 30, 2012.

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11 IT IS SO ORDERED.

12 **Dated: July 13, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE