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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,

1:09-cv-01733-AWI-MJS-PC

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION TO
COMPEL AND MOTION TO DEFER RULING
ON PLAINTIFF'S MOTION TO COMPEL

v.

(ECF Nos. 33 & 35)

T. LLOREN, et al.,

Defendants.

Plaintiff Kevin E. Fields ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on October 2, 2009. (ECF No. 1.) The Court screened Plaintiff's Complaint on December 10, 2010, and dismissed it, with leave to amend, for failure to state claim. (ECF No. 9.) Plaintiff filed a First Amended Complaint on December 17, 2010. (ECF No. 10.) The Court found that Plaintiff's First Amended Complaint stated a cognizable claim against Defendants Lloren and Battles and ordered service on these Defendants. (ECF Nos. 18, 19, & 21.)

Plaintiff filed a motion to compel responses to his discovery requests on January 11, 2013. (ECF No. 33.) Plaintiff filed another motion, on February 15, 2013, asking for the Court to defer ruling on his motion to compel. (ECF No. 35.) In the latter motion, Plaintiff alleges that he met and conferred with Defendants' counsel regarding the discovery issues and that the issues have been resolved. (Id.)

1 Since it appears that Plaintiff has resolved his discovery issues with Defendants,
2 there is no need for the Court to grant Plaintiff's motion to compel at this time. The Court
3 will not defer ruling on Plaintiff's motion to compel, but it will deny it without prejudice.

4 Accordingly, the Court hereby ORDERS that:

- 5 1. Plaintiff's motion to compel (ECF No. 33) is DENIED without prejudice; and
- 6 2. Plaintiff's motion to defer ruling on his motion to compel (ECF No. 35) is
7 DENIED.

8
9 IT IS SO ORDERED.

10 Dated: August 12, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE