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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:09-CV-01771-AWI-DLB PC

ORDER DENYING MOTION TO COMPEL
WITHOUT PREJUDICE

(DOC. 26)

AMENDED MOTION DUE BY JULY 8, 2011

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Plaintiff Kevin E. Fields (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Maurice Junious, R. Magvas, S. Marsh, L. Molina, J. Tucker, L. Cruz, R. Davis, K. Foley, D. B. Hernandez, and Jennifer Jones. On January 31, 2011, Plaintiff filed a motion to compel. At the time of filing, Defendants had yet to respond to Plaintiff’s discovery requests. The parties subsequently filed a notice of stipulation on February 18, 2011, which purported that the parties stipulated to suspending Plaintiff’s motion to compel in order to provide Defendants adequate time to respond to his discovery requests. The Court ordered the parties to file a status update. Plaintiff filed a status update on May 3, 2011, indicating that he intended to proceed with his motion to compel. Defendants filed their status update on May 25, 2011, indicating that Plaintiff had refused to sign the stipulation.

An examination of Plaintiff’s motion to compel indicates that it is deficient. Plaintiff fails to include Defendants’ responses to his discovery requests. Furthermore, it appears that Defendants supplemented their responses to Plaintiff’s discovery requests. The Court cannot

1 adjudicate Plaintiff's motion to compel without Defendants' responses and an explanation of
2 why Defendants' responses are insufficient. *See* L.R. 250.3(c) ("Requests for production,
3 responses and proofs of service thereof shall not be filed unless and until there is a proceeding in
4 which the request, response, or proof of service is at issue.").

5 Accordingly, it is HEREBY ORDERED that Plaintiff's motion to compel, filed January
6 31, 2011, is DENIED, without prejudice to re-filing the motion by the discovery cut-off date of
7 July 8, 2011.

8 IT IS SO ORDERED.

9 Dated: June 20, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE