

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL ARZAGA,

Plaintiff,

VS.

SGT. REED,

Defendant.

1:10-cv-00369-AWI-GSA-PC

ORDER STRIKING PLAINTIFF'S
RESPONSES TO INTERROGATORIES AS
IMPROPERLY FILED, AND RETURNING
A COPY TO PLAINTIFF
(Doc. 72.)

**ORDER DIRECTING CLERK TO SEND
COPY OF PLAINTIFF'S RESPONSES TO
PLAINTIFF
(Doc. 72.)**

I. BACKGROUND

Daniel Arzaga ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on February 8, 2010. (Doc. 1.)

On May 29, 2013, the court issued an order granting Defendant Reed's motion to compel discovery responses. (Doc. 69.) Plaintiff was ordered to respond, without objection, to Defendant's First and Second Sets of Interrogatories and Request for Production of documents within thirty days. *Id.* On June 20, 2013, Plaintiff filed his responses to Defendant's Interrogatories with the court. (Doc. 72.)

II. LOCAL RULE 250.1 – FILING OF INTERROGATORIES

Pursuant to Local Rule 250.1, "Interrogatories, responses, and proofs of service thereof shall not be filed unless and until there is a proceeding in which the interrogatories or proof of service is at issue." L.R. 250.1(c).

Here, the court granted Defendant's motion to compel and ordered Plaintiff to respond to Defendant's discovery requests within thirty days. At this stage of the proceedings, Plaintiff's responses to Defendant's discovery requests are not at issue. Plaintiff is required to serve the responses directly upon Defendant, without filing the responses with the court. Therefore, Plaintiff's responses are improperly filed and shall be stricken from the court's record. The Clerk shall return a copy of Plaintiff's responses to Plaintiff.

III. CONCLUSION

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's responses to Defendant's Interrogatories, filed on June 20, 2013, are STRICKEN from the court's record; and

2. The Clerk is directed to send Plaintiff a copy of Plaintiff's responses (Doc. 72).

IT IS SO ORDERED.

Dated: June 25, 2013

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE
