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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM P. GARCIA,

Plaintiff,

v.

KEN CLARK, et al.,

Defendants.

CASE NO. 1:10-CV-00447-LJO-DLB PC

ORDER DISREGARDING PLAINTIFF’S
MOTION TO COMPEL (DOC. 46)

ORDER DISMISSING MOTION TO
COMPEL WITHOUT PREJUDICE (DOC. 54)

AMENDED MOTION DUE WITHIN
THIRTY DAYS

Plaintiff William P. Garcia (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on his first amended complaint against Defendants K. Allison, F. Diaz, D. Ibarra, S. Knight, C. Palmer, R. Santos, R. Tolson, K. Turner, and C. Walters. Pending before the Court are: 1) Plaintiff’s motion to compel, filed August 16, 2011, and 2) Plaintiff’s motion to compel, filed September 23, 2011. Docs. 46, 54. The matter is submitted pursuant to Local Rule 230(l).

I. Motion To Compel (Doc. 46)

Plaintiff filed a motion to compel on August 16, 2011. Doc. 46. However, Plaintiff did not include Defendants’ responses to Plaintiff’s discovery requests. Plaintiff subsequently filed an amended motion to compel on September 23, 2011. Doc. 54. The amended motion includes Defendants’ responses. Accordingly, it is HEREBY ORDERED that Plaintiff’s motion to compel, filed August 16, 2011, is disregarded.

1 **II. Motion To Compel (Doc. 54)**

2 Plaintiff moves to compel discovery responses, submitting interrogatories, admissions,
3 and requests for production. Plaintiff also makes general arguments concerning Defendants'
4 discovery responses. However, Plaintiff has not explained with specificity which discovery
5 requests to which he seeks to compel further response, and has not explained the relevance of the
6 requests.

7 The court does not hold litigants proceeding pro se to the same standards
8 that it holds lawyers. However, as the moving party, Plaintiff bears the burden of
9 informing the court which discovery requests are the subject of his motion to
10 compel, which of Defendants' responses are disputed, why he believes
11 Defendants' responses are deficient, why Defendants' objections are not justified,
12 and why the information he seeks through discovery is relevant to the prosecution
13 of this action. *See, e.g., Brooks v. Alameida*, No. CIV S-03-2343 JAM EFB P,
14 2009 U.S. Dist. LEXIS 9568, 2009 WL 331358, at *2 (E.D. Cal. Feb. 10, 2009)
15 (“Without knowing which responses plaintiff seeks to compel or on what grounds,
16 the court cannot grant plaintiff’s motion.”); *Ellis v. Cambra*, No. CIV
17 02-05646-AWI-SMS PC, 2008 U.S. Dist. LEXIS 109050, 2008 WL 860523, at *4
18 (E.D. Cal. Mar. 27, 2008) (“Plaintiff must inform the court which discovery
19 requests are the subject of his motion to compel, and, for each disputed response,
20 inform the court why the information sought is relevant and why Defendant's
21 objections are not justified.”).

22 *Haynes v. Sisto*, 2010 U.S. Dist. LEXIS 121246, at *2-3 (E. D. Cal. Oct. 29, 2010); *see also*
23 *Williams v. Flint*, No. CIV S-06-1238 FCD GGH P, 2007 U.S. Dist. LEXIS 98794, 2007 WL
24 2274520, at *1 (E.D. Cal. Aug. 3, 2007) (“It is plaintiff’s burden to describe why a particular
25 response is inadequate. It is not enough to generally argue that all responses are incomplete.”).
26 The Court will thus deny Plaintiff’s motion to compel. Because Plaintiff is proceeding pro se,
27 the Court will grant Plaintiff leave to amend his motion to compel. Defendants will then have an
28 opportunity to file their opposition, and Plaintiff will have an opportunity to reply, pursuant to
the Local Rules. *See* L. R. 230(1) (twenty-one days after service of motion in which to file
opposition, seven days after service of opposition to file reply).

29 **III. Conclusion And Order**

30 Based on the foregoing, it is HEREBY ORDERED that:

- 31 1. Plaintiff’s motion to compel, filed August 16, 2011, is disregarded;
- 32 2. Plaintiff’s motion to compel, filed September 23, 2011, is denied without
33 prejudice;

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3. Plaintiff is GRANTED thirty (30) days from the date of service of this order in which to serve and file an amended motion to compel, as described in this order;

4. If Plaintiff fails to file an amended motion to compel in a timely manner, Plaintiff will waive the opportunity to file amend.

IT IS SO ORDERED.

Dated: November 14, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE