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7	UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA
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9	HENRY WILLIAM TELLES, SR., ) Case No. 1:10-cv-0982-AWI-BAM
10	Plaintiff, ) ORDER DENYING PLAINTIFF'S
11	v. () MOTION FOR DISCOVERY
12	CITY OF WATERFORD, <i>et. al.</i> ,
13	) Defendants.
14	)
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16	On April 24, 2013, Plaintiff Henry William Telles, Sr. ("Plaintiff") filed a motion to
17	compel discovery. (Doc. 60.) Plaintiff unilaterality set the motion for hearing on May 6, 2013.
18	Id.
19 20	Plaintiff's Motion to Compel fails to comply with the Federal Rules of Civil Procedure and the Court's Local Rules. First, Plaintiff has not requested any discovery from Defendants.
20 21	The Federal Rules of Civil Procedure permit Plaintiff to <i>request</i> discovery under Rules 26, 33, 34
21	and 36, and may seek to compel a response to a discovery request under Rule 37. "However, the
22	Court will not compel a response to discovery that was not propounded." <i>E &amp; J Gallo Winery v.</i>
23	Proximo Spirits, Inc., 2011 WL 6002923 (E.D. Cal. 2011).
25	Plaintiff's Motion to Compel also fails to comply with the Court's Local Rules. Local
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26	Rule 251(a) requires a motion to compel discovery be noticed no less than twenty-one (21) days

1	before the scheduled hearing. Plaintiff's motion only provided twelve (12) days notice. Local
2	Rule 251(a) also requires a "Joint Statement re Discovery Disagreement" be filed no later than
3	seven (7) days prior to the noticed hearing. The parties have not filed a Joint Statement.
4	Additionally, Local Rule 251(b) requires Plaintiff to meet and confer with Defendants in an
5	attempt to resolve any differences. This Rule also requires Plaintiff to file and serve an affidavit
6	setting forth the parties' meet and confer efforts. Id. Plaintiff's Motion does not indicate any
7	meet and confer efforts took place.
8	For the foregoing reasons, Plaintiff's Motion to Compel Discovery is DENIED
9	WITHOUT PREJUDICE.
10	IT IS SO ORDERED.
11	Dated: <u>May 3, 2013</u> /s/ <u>Barbara A. McAuliffe</u> UNITED STATES MAGISTRATE JUDGE
12	UNITED STATES MADISTRATE JUDGE
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