



1 force in violation of the Eighth Amendment; and against Defendants Daley, Samonte, Nichols, Valdez  
2 and Gonzales for failure to intervene in violation of the Eighth Amendment.

3 On February 11, 2013, Plaintiff filed the following discovery motions: (1) motion for order  
4 compelling Defendant C. Nichols to produce documents for inspection (ECF No. 51); (2) motion  
5 requesting an order for non-party Board of Vocational Nursing & Psychiatric Technicians to produce  
6 document concerning Defendant C. Nichols (ECF No. 52); (3) motion requesting an order for non-  
7 party Office of the Inspector General to produce documents regarding Defendant Mendez (ECF No.  
8 53); (4) motion requesting an order for non-party Board of Vocational Nursing & Psychiatric  
9 Technicians to produce documents regarding Defendant C. Nichols (ECF No. 54); (5) motion for an  
10 order compelling Defendant Gonzales to produce documents (ECF No. 55); (6) motion for an order  
11 compelling Defendant Mendez to produce documents (ECF No. 56); and (7) motion for a sixty-day  
12 (60) extension of time to respond to Defendants' request for production of documents and  
13 interrogatories (ECF No. 57).

14 On March 4, 2013, Defendants filed oppositions to Plaintiff's motions for orders compelling  
15 Defendants Nichols, Gonzales and Mendez to produce documents. (ECF Nos. 59, 60, 61.)

16 On March 22, 2013, Plaintiff filed a declaration in support of his motion to compel Defendant  
17 Mendez to produce documents. (ECF No. 62.)

18 On April 1, 2013, Plaintiff filed a motion for a 30-day extension of time to respond to  
19 Defendants' opposition to Plaintiff's motion for an order compelling Defendant Gonzales to produce  
20 documents. (ECF No. 63.) The Court granted the requested extension of time on April 4, 2013. (ECF  
21 No. 66.)

22 On April 29, 2013, Plaintiff requested a second 30-day extension of time to respond to  
23 Defendants' opposition to Plaintiff's motion for an order compelling Defendant Nichols to produce  
24 documents. (ECF No. 67.) The request for an extension of time is pending.

25 On May 13, 2013, Plaintiff filed motions to withdraw his motions to compel the production of  
26 documents from Defendant Nichols, Gonzales and Mendez. (ECF Nos. 68, 69, 70.) On May 13,  
27 2013, Plaintiff also filed supplements to his motions to compel production of documents from  
28 Defendants Gonzales, Nichols and Mendez. (ECF Nos. 71, 72, 73.)

1 On June 21, 2013, Plaintiff filed motions for sanctions against Defendants Mendez, Gonzales  
2 and Nichols. (ECF Nos. 75, 76, 77.)

3 On June 21, 2013, Plaintiff also filed motions for a ninety (90) day extension of time for  
4 discovery from Defendants Gonzales, Mendez and Nichols. (ECF Nos. 78, 79, 80.)

5 On July 22, 2013, Plaintiff filed a motion for an order compelling discovery from Defendant  
6 Mendez. (ECF No. 81). On August 5, 2013, Defendant Mendez filed an opposition to Plaintiff's  
7 motion to compel. (ECF No. 82.)

## 8 **II. Discussion**

### 9 **A. Plaintiff's Motions to Withdraw**

10 As noted above, on February 11, 2013, Plaintiff filed a motion for order compelling Defendant  
11 C. Nichols to produce documents for inspection, a motion for an order compelling Defendant  
12 Gonzales to produce documents and a motion for an order compelling Defendant Mendez to produce  
13 documents. (ECF Nos. 51, 55, and 56.) Defendants opposed the motions. (ECF Nos. 59, 60, 61.)

14 On May 13, 2013, Plaintiff filed a motion to withdraw, as premature, the motions to compel  
15 production of documents from Defendants Nichols, Gonzales, and Mendez that he filed on February  
16 11, 2013. (ECF Nos. 68, 69, 70.)

17 Plaintiff's motions to withdraw shall be granted, and the Clerk of the Court will be directed to  
18 terminate Plaintiff's motions to compel the production of documents from Defendants Nichols,  
19 Gonzales and Mendez (ECF Nos. 51, 55, and 56), which were filed on February 11, 2013.

### 20 **B. Plaintiff's Second Motion for Extension of Time Thirty (30) Days**

21 On April 19, 2013, Plaintiff filed a request for an extension of time to respond to Defendants'  
22 opposition to Plaintiff's motion to compel the production of documents from Defendant Nichols.  
23 (ECF No. 67.) However, Plaintiff requested to withdraw his motion to compel, and the Court intends  
24 to grant his request. Accordingly, Plaintiff's motion for an extension of time to respond to  
25 Defendants' opposition is now moot and his requested extension shall be denied.

### 26 **C. Plaintiff's Motion for Extension of Time Sixty (60) Days**

27 On February 11, 2013, Plaintiff requested a sixty day extension of time to respond to  
28 Defendants' request for production of documents and interrogatories. (ECF No. 57.) Plaintiff

1 requested that he be allowed to submit his responses on or before May 6, 2013, and explained that he  
2 is a mental health patient and he requires additional time to obtain information (affidavits) from other  
3 inmates and to access the law library. Defendants did not file an opposition to Plaintiff's request for  
4 an extension of time.

5 Good cause appearing, Plaintiff's request for an extension of time to respond to Defendants'  
6 request for production of documents and interrogatories shall be granted. If Plaintiff has not already  
7 responded, his responses to Defendants' request for production and interrogatories shall be served on  
8 or before August 30, 2013.

#### 9 **D. Plaintiff's Motions for Sanctions and Motions for Extension of Discovery**

##### 10 **Deadlines**

11 As noted above, Plaintiff filed motions for sanctions against Defendants Nichols, Gonzales and  
12 Mendez on June 21, 2013. (ECF Nos. 75, 76, 77.) Plaintiff also filed motions that appear to request  
13 an extension of the discovery deadlines in this action. (ECF Nos. 78, 79, and 80.)

14 Defendants shall be ordered to file oppositions or statements of non-opposition to the pending  
15 motions within thirty days. No replies will be needed.

##### 16 **III. Conclusion and Order**

17 Based on the foregoing, IT IS HEREBY ORDERED as follows:

- 18 1. Plaintiff's motions to withdraw, filed on May 13, 2013, are GRANTED;
- 19 2. The Clerk of the Court is directed to terminate Plaintiff's motion to compel the production  
20 of documents from Defendants Nichols, Gonzales and Mendez, filed on February 11, 2013,  
21 and identified at ECF Nos. 51, 55, and 56;
- 22 3. Plaintiff's second motion for an extension of time, filed on April 29, 2013, is DENIED as  
23 moot;
- 24 4. Plaintiff's motion for a sixty (60) day extension of time to respond to Defendants' request  
25 for production and interrogatories, filed on February 11, 2013, is GRANTED. If Plaintiff  
26 has not already done so, his responses to Defendants' request for production of documents  
27 and interrogatories shall be served no later than August 30, 2013; and  
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5. Defendants Nichols, Gonzales and Mendez shall file oppositions or statements of non-opposition to Plaintiff's motions for sanctions and Plaintiff's motions for an extension of the discovery deadline within thirty (30) days of the date of this order.

IT IS SO ORDERED.

Dated: August 12, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE