1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 WILBUR ATCHERLEY, Case No.: 1:12cv00225 LJO DLB (PC) 12 Plaintiff, ORDER GRANTING IN PART PLAINTIFF'S MOTION TO STRIKE v. 13 (Document 176) CLARK, et al., 14 ORDER DISREGARDING PLAINTIFF'S 15 Defendants. MOTION TO COMPEL DEFENDANT CLARK TO PROVIDE A FURTHER RESPONSE TO 16 **REQUEST FOR ADMISSION NUMBER 91** (Document 142) 17 Plaintiff William Atcherley ("Plaintiff") is a prisoner proceeding pro se and in forma pauperis 18 in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding on Plaintiff's Second 19 Amended Complaint, filed on October 14, 2014, for violation of the Eighth Amendment and 20 21 negligence against numerous Defendants. 22 On October 17, 2014, Plaintiff filed a motion to compel Defendant Clark to provide a further 23 response to Plaintiff's Requests for Admissions, Number 91 (Document 142). Defendant Clark 24 opposed the motion on November 7, 2014. 25 On December 1, 2014, Plaintiff filed a "motion to strike" his motion to compel in light of 26 Defendant Clark's statements in his opposition (Document 176). 27 28

Accordingly, the Court GRANTS Plaintiff's request in part. The Court will not strike the document, as it should remain part of the record. Rather, the Court will DISREGARD his motion to compel. IT IS SO ORDERED. Dated: **December 3, 2014** 1s/ Dennis L. Beck UNITED STATES MAGISTRATE JUDGE