

1 defense counsel regarding the interrogatories on February 17, 2015, and again received
2 no response.

3 Defendants respond that both Plaintiff's interrogatories and his motion to compel
4 are untimely under the discovery and scheduling order. (ECF No. 66.)

5 In reply, Plaintiff disagrees that his interrogatories were untimely, and states that
6 he acted in good faith. (ECF No. 69.)

7 The discovery and scheduling order required that all discovery be completed by
8 February 9, 2015. (ECF No. 42.) It also required that parties respond to written discovery
9 requests within forty-five days after the request was first served. The parties were
10 advised to serve discovery requests "sufficiently in advance of the discovery deadline to
11 permit time for a response and time to prepare and file a motion to compel." In order to
12 meet the February 9, 2015 deadline for the completion of discovery, all discovery
13 requests would need to have been served by December 26, 2014. Here, Plaintiff's
14 interrogatories were served on approximately January 1, 2015. Accordingly, the
15 interrogatories were untimely. Defendants had no obligation to respond.

16 Additionally, Plaintiff's motion to compel was filed after the discovery cut-off and
17 is, in itself, untimely.

18 **III. CONCLUSION AND ORDER**

19 Based on the foregoing, Plaintiff's motion to compel (ECF No. 64) is HEREBY
20 DENIED.
21 IT IS SO ORDERED.

22 Dated: May 11, 2015

23 /s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE