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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AHKEEM WILLIAMS,

Plaintiff,

v.

KIM PEDRIERO, et al.,

Defendants.

Case No. 1:12-cv-00606-SKO PC

ORDER DENYING PLAINTIFF’S
MOTIONS TO COMPEL FURTHER
RESPONSES TO INTERROGATORIES
AND DOCUMENT PRODUCTION
REQUESTS, WITHOUT PREJUDICE

(Docs. 39 and 43)

ORDER DIRECTING CLERK’S OFFICE TO
PROVIDE PLAINTIFF WITH PROOF OF
SERVICE FORM

Plaintiff Akheem Williams, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 17, 2012. This action is proceeding against Defendants Garcia, Valdez, Cortez, Silva, Castro, Day, Stephens, Collier, Torres, Delia, and Tordson for use of excessive physical force, in violation of the United States Constitution.

On July 15, 2013, Plaintiff filed a motion to compel further responses to his interrogatories, and on August 12, 2013, Plaintiff filed a motion to compel further responses to his requests for the production of documents. Fed. R. Civ. P. 37(a). Defendants did not file a response.¹ Local Rule 230(l).

Plaintiff failed to include a proof of service by mail with either motion. Every document filed by Plaintiff must be accompanied by a proof of service by mail form setting forth (1) the date

¹ As discussed herein, the motions lack a proof of service on Defendants.

1 of service, (2) the document(s) served, (3) the name of the individual or entity upon whom service
2 was made (Defendants' counsel, in this situation), and (4) the signature of the individual who
3 served the document by mail. Plaintiff was provided with a proof of service form in an order filed
4 on April 19, 2012, but the Court will direct the Clerk's Office to provide him with another one.
5 Plaintiff is warned that any future filings that do not include the requisite proof of service will be
6 stricken from the record.

7 In addition, Plaintiff's motions to compel are not accompanied by a copy of the discovery
8 requests in dispute or a copy of Defendants' discovery responses. The Court cannot resolve a
9 motion to compel on the merits in the absence of a copy of the requests and the responses in
10 dispute.

11 For these reasons, Plaintiff's motions to compel are HEREBY DENIED, without prejudice
12 to renewal; and the Clerk's Office is DIRECTED to provide Plaintiff with a proof of service form.

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15 IT IS SO ORDERED.

16 Dated: October 2, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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