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5	UNITED STATES DISTRICT COURT	
6	EASTERN DISTRICT OF CALIFORNIA	
7 8	LEONARD JOHNSON,	Case No.: 1:12-cv-00820-AWI-SAB (PC)
9 10	Plaintiff,) v.)	ORDER GRANTING DEFENDANT'S MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
11	HUMBERTO RODRIGUEZ,	[ECF No. 19]
12	Defendant.	[ECF NO. 17]
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14	Plaintiff Leonard Johnson is appearing pro se in this civil rights action pursuant to 42 U.S.C. §	
15	1983.	
16	This action is proceeding against Defendant Humberto Rodriguez for excessive force in	
17	violation of the Eighth Amendment.	
18	Now pending before the Court is Defendant's motion to compel, filed February 25, 2014.	
19	Plaintiff has not filed a response.	
20	I.	
21	DISCUSSION	
22	A. Motion to Compel Regarding Interrogatories and Production of Documents	
23	On October 2, 2013, the Court issued a scheduling order opening discovery and setting June 2	
24	2014, as the deadline for the completion of all discovery. (ECF No. 17.) On October 3, 2013,	
25	Defendant served Plaintiff with interrogatories and a requests for production of documents at	
26	Plaintiff's address of record with the Court. Fed. R. Civ. P. 33(a), 34(a). Pursuant to the scheduling	
27	order, Plaintiff had forty-five days within which to serve a response. (ECF No. 17.)	
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Plaintiff did not serve a response to Defendant's discovery requests, and on January 8, 2014, Defendant sent Plaintiff a letter requesting a response no later than January 23, 2014. (ECF No. 19, Motion, Ex. 3.) Plaintiff did not respond to the letter. (ECF No. 19, Motion, Decl. of Lawrence Braag, at ¶ 4.)

Defendant seeks an order compelling Plaintiff to respond to his interrogatories and request for production of documents, without objection.

Plaintiff was obligated to respond to Defendant's interrogatories and request for production of documents. Fed. R. Civ. P. 33(b), 34(b)(2). Plaintiff failed to serve a response and he failed to file an opposition to Defendant's motion to compel. Accordingly, Defendant's motion to compel shall be GRANTED. Fed. R. Civ. P. 37(a)(3)(B). Plaintiff will be directed to file a response to the interrogatories and production of documents, without objection, within thirty days from the date of service of this order.¹

II.

ORDER

Based on the foregoing,

IT IS HEREBY ORDERED that:

- 1. Defendant's motion to compel is GRANTED; and
- 2. Within thirty (30) days from the date of service of this order, Plaintiff shall serve responses to Defendant's discovery requests, without objection.

IT IS SO ORDERED.

Dated: **April 7, 2014**

UNITED STATES MAGISTRATE JUDGE

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Failure to timely object to discovery requests constitutes a waiver of objections. Richmark Corp. v. Timber Falling Consultants, 959 F.2d 1468, 1473 (9th Cir. 1992); Davis v. Fendler, 650 F.2d 1154, 1160 (9th Cir. 1981); Woods v. Kraft Foods, Inc., No. CV F 05-1587 LJO, 2006 WL 2724096, *1-2 (E.D. Cal. Sept. 22, 2006).