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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHAUN DARNELL GARLAND,  
Plaintiff,  
v.  
C. STANLEY, et al.,  
Defendants.

Case No. 1:12-cv-1755-AWI-MJS (PC)  
**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY  
(ECF No. 39)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. (ECF Nos. 1 & 4.) The action proceeds against Defendants Lindsey, Nickell, Stanley, and John Doe on Plaintiff's Eighth Amendment conditions of confinement claim. (ECF Nos. 6 & 8.) Defendants Lindsey, Nickell, and Stanley were served and have appeared in the action. (ECF Nos. 12 & 15.) Defendant Doe has not been identified.

On March 24, 2014, Plaintiff filed a motion to compel a further response to his request for admissions. (ECF No. 22.) On August 5, 2014, Defendants filed a motion for summary judgment. On September 5, 2014, Plaintiff filed a motion to reopen discovery

1 and for an extension of time to oppose the summary judgment motion. (ECF No. 28.)

2 The Court ruled on Plaintiff's discovery motions on February 2, 2015, and  
3 afforded Plaintiff until February 25, 2015 to file his opposition to the summary judgment  
4 motion. (ECF No. 37.)

5 Before the Court is Plaintiff's February 9, 2015, motion to compel the discovery  
6 addressed in the Court's February 2, 2015 order. (ECF No. 39.) Plaintiff's motion is  
7 dated February 2, 2015, the same date as the Court's order. Plaintiff presumably did not  
8 receive the Court's order prior to filing his request.

9 As stated, the Court has ruled on these discovery requests. (ECF No. 37.)  
10 Plaintiff provides no basis for reconsideration of the Court's prior order. See Fed. R. Civ.  
11 P. 60(b); Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880  
12 (9th Cir. 2009). Accordingly, Plaintiff's February 9, 2015 motion to compel discovery  
13 (ECF No. 39) is HEREBY DENIED.

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15 IT IS SO ORDERED.

16 Dated: February 13, 2015

17 /s/ Michael J. Seng  
18 UNITED STATES MAGISTRATE JUDGE  
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