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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL CARMICHAEL,	)	Case No.: 1:12cv01913 LJO DLB (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S
v.	)	MOTION TO COMPEL AS MOOT
	)	
W. WILSON, et al.,	)	(Document 34)
	)	
Defendants.	)	
	)	
	)	

Plaintiff Michael Carmichael (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Pursuant to the March 25, 2014, Discovery and Scheduling Order, discovery closes on August 22, 2014. The dispositive motion deadline is October 21, 2014.

On May 27, 2014, Plaintiff filed a motion to compel responses to interrogatories and requests for admissions served on April 20, 2014. Plaintiff had not received any responses as of the date of his motion, which is signed May 22, 2014.

On June 11, 2014, Defendants filed an opposition. Defendants state that Plaintiff’s motion was premature, as their responses were not due until May 27, 2014, due to the Memorial Day holiday. On May 27, 2014, Defendants served their responses. Wrosch Decl. ¶ 5.

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Accordingly, as Plaintiff's motion was based solely on not receiving responses, his motion is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: June 12, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE