



1 No. 47.) Accordingly, all written discovery requests had to be served by June 10, 2016, to comply  
2 with the July 29, 2016, deadline. (Id.)

3 In September 2016, almost three months after the discovery deadline, Plaintiff served a written  
4 discovery request on Defendant Sherman. Because the discovery deadline had expired, Defendant  
5 Sherman was under no obligation to file a response to Plaintiff's untimely discovery request. See,  
6 e.g., Bertram v. Sizelove, No. 1:10-cv-00583-AWI-GBC (PC), 2012 WL 2090060, at \*2 (E.D. Cal.  
7 June 8, 2012) (court will not grant a motion to compel untimely discovery). In addition, all motions to  
8 compel discovery had to be filed on or before the July 29, 2016, deadline. (Disc. & Sch. Order ¶ 7.)  
9 In this instance, neither the discovery request nor the motion to compel were timely filed and served,  
10 and Plaintiff's motion to compel further responses to his discovery request must be denied.

11 **II.**

12 **ORDER**

13 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion for penalties  
14 construed as a motion to compel is DENIED.

15  
16 IT IS SO ORDERED.

17 Dated: January 4, 2017



18 UNITED STATES MAGISTRATE JUDGE