

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
4 interrogatories on Defendant Sherman. This is Plaintiff's third untimely motion to compel discovery
5 responses which were served months after the discovery deadline. (See ECF Nos. 72 & 79.) Because
6 the discovery deadline had expired, Defendant Sherman was under no obligation to file a response to
7 Plaintiff's untimely discovery request. See, e.g., Bertram v. Sizelove, No. 1:10-cv-00583-AWI-GBC
8 (PC), 2012 WL 2090060, at *2 (E.D. Cal. June 8, 2012) (court will not grant a motion to compel
9 untimely discovery). In addition, all motions to compel discovery had to be filed on or before the July
10 29, 2016, deadline. (Disc. & Sch. Order ¶ 7.)

11 In this instance, neither the discovery request nor the motion to compel were timely filed and
12 served, and Plaintiff's third motion to compel further responses to his discovery request must be
13 denied.

14 **II.**

15 **ORDER**

16 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion lodging a complaint
17 against Defendant construed as a motion to compel is DENIED.

18
19 IT IS SO ORDERED.

20 Dated: February 27, 2017



21 UNITED STATES MAGISTRATE JUDGE