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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK LEAR ,
Plaintiff,
v.
MICHELLE LEFTLER, et al.,
Defendants.

CASE NO. 1:13-cv-00882-AWI-MJS (PC)

**ORDER (1) GRANTING REQUEST TO
WITHDRAW MOTION TO COMPEL (ECF
No. 38), AND (2) DENYING MOTION FOR
EXTENSION OF TIME (ECF No. 37)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Leftler, Desousa, and Aguayo on Plaintiff's Eighth Amendment excessive force claim. (ECF Nos. 25 & 27.)

Before the Court are Plaintiff's motion to compel and for extension of time (ECF No. 37), followed by his request to withdraw the motion to compel and to reaffirm his request for extension of time (ECF No. 38).

Plaintiff's request to withdraw his motion to compel will be granted.

His request for an extension of time is somewhat unclear. He states that he would like an additional thirty days after Defendants provide further responses to his interrogatories and requests for production of documents to conduct additional discovery, if necessary. (ECF No. 37.) The discovery deadline in this action is June 22, 2015. (ECF No. 33.) Plaintiff does not explain why he feels he will be unable to complete

1 discovery, including the filing of motions to compel, if necessary, prior to that date. (ECF
2 No. 38 at 2.) Accordingly, the Court finds he has not presented good cause for an
3 extension of time. On that ground his motion will be denied without prejudice.

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. Plaintiff's motion for extension of time (ECF No. 37) is DENIED without
6 prejudice;
- 7 2. Plaintiff's request to withdraw his January 26, 2015 motion to compel (ECF
8 No. 38) is GRANTED.

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10 IT IS SO ORDERED.

11 Dated: January 30, 2015

/s/ Michael J. Seng
12 UNITED STATES MAGISTRATE JUDGE

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