

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID ESTRADA,
Plaintiff,
v.
GIPSON, et al.,
Defendants.

) Case No.: 1:13cv00919 LJO DLB (PC)
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)
) ORDER DENYING PLAINTIFF'S
) MOTION TO COMPEL RESPONSES
) FROM DEFENDANTS AS PREMATURE
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) (Document 146)
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Plaintiff David Estrada (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed his First Amended Complaint on August 7, 2013. Pursuant to the Court’s screening order and Plaintiff’s notice of willingness to proceed on the cognizable claims, this action is proceeding against (1) Defendants Gipson and Espinosa for retaliation in violation of the First Amendment; and (2) Defendants Gipson, Espinosa, Lambert and Cavazos for violation of the Eighth Amendment.

Discovery closed on December 15, 2014.

On December 24, 2014, Plaintiff filed a motion to compel responses to his Request for Production of Documents, Set Three, served on Defendants.¹ Defendants did not file an opposition and the Court deems the matter suitable for decision pursuant to Local Rule 230(l).

DISCUSSION

According to Plaintiff's motion and attached exhibits, he served Requests for Production of Documents, Set Three, on Defendants on November 25, 2014. Plaintiff's motion, however, was signed on December 9, 2014, long before Defendants' responses were due.

Accordingly, Plaintiff's motion to compel is DENIED as premature.

IT IS SO ORDERED.

Dated: January 21, 2015

/s/ *Dennis L. Beck*
UNITED STATES MAGISTRATE JUDGE

¹ The motion is sealed, but the Court sees no reason to seal this order.