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

DAVID ESTRADA,	)	Case No.: 1:13cv00919 LJO DLB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S
v.	)	MOTION TO COMPEL AND MOTION FOR
	)	SANCTIONS
GIPSON, et al.,	)	
	)	
Defendants.	)	(Documents 152, 153, 158 and 159)
	)	

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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. The dispositive motion deadline is February 12, 2015.

On January 26, 2015, Plaintiff filed a motion to compel and a related motion for sanctions. On February 5, 2015, he filed another motion to compel and another motion for sanctions.

1 Defendants opposed the January 26, 2015, motion on February 10, 2015. As the discovery  
2 requests at issue suffer from the same fatal flaw, the Court deems the matters suitable for decision  
3 without further briefing pursuant to Local Rule 230(1).

4 Pursuant to the July 17, 2014, Discovery and Scheduling Order, discovery must be served at  
5 least thirty-days prior to the close of discovery. ECF No. 92, at 4. Here, however, the discovery at  
6 issue in the January 16, 2015, motion was served less than thirty-days prior to the December 15, 2014,  
7 close of discovery. According to the six discovery requests attached to the motion to compel, the  
8 requests were served between November 17, 2014, and December 15, 2014.

9 Similarly, the discovery at issue in the February 5, 2015, motion was not served until  
10 November 15, 2014.

11 Plaintiff's motions are therefore DENIED because he did not timely serve the discovery at  
12 issue.

13  
14 IT IS SO ORDERED.

15 Dated: February 11, 2015

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