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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRELL HARRIS,
Plaintiff,
v.
S. ESCAMILLA, et al.,
Defendants.

Case No. 1:13-cv-01354-LJO-MJS (PC)
**ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME
(ECF NO. 53); AND**
**DENYING PLAINTIFF'S MOTION TO
COMPEL (ECF NO. 51)**
**FOURTEEN (14) DAY DEADLINE TO
FILE AMENDED MOTION**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The case proceeds against Defendant Escamilla on Plaintiff's First and Fourteenth Amendment rights during a cell search on January 14, 2013. (ECF Nos. 9-10, 33 & 26.) Before the Court is Plaintiff's "motion to compel Defendant to answer completely, produce documents, and allow extra interrogatories," which Defendant opposes. (ECF Nos. 51-52.) Also before the Court is Plaintiff's motion for 30-day extension of time to respond to Defendant's opposition. (ECF No. 53.)

I. BACKGROUND

In May or June 2015, Plaintiff propounded his first set of discovery on Defendant

1 (“Set One”), which included 34 Requests for Admissions (“RFA”) and 12 interrogatories.
2 See Pl.’s Mot. Compel (“MTC”), ECF No. 51 at 23-42. On June 22, 2015, Defendant
3 submitted his responses to Plaintiff’s discovery requests. Id. at 44-70. As to the RFAs,
4 Defendant objected to many because they were phrased as questions and, thus,
5 essentially constituted additional interrogatories.

6 On July 22, 2015, Plaintiff propounded a second set of RFAs and interrogatories
7 (“Set Two”), titled “Amended Requests for Admissions - Set One and Objections” and
8 “Amended Interrogatories and Objections to Set One Responses [sic] by Defendants.”
9 Pl.’s MTC, ECF No. 51 at 72-93. Set Two addressed some of Defendant’s objections to
10 Set One.

11 On August 25, 2015, defense counsel responded via letter to Plaintiff comments
12 in Set Two regarding Defendant’s Set One objections. Pl.’s MTC, ECF No. 51 at 91-92.

13 Apparently dissatisfied with Defendant’s responses to Set One and Set Two,
14 Plaintiff now moves to compel Defendant to “answer interrogatories completely, to
15 produce requested documents, and to allow rephrased interrogatories, admissions.”
16 Plaintiff also asks the Court to increase the number of interrogatories that he may serve.

17 **II. DISCUSSION**

18 Plaintiff’s motion will be denied for several reasons. First, while Plaintiff makes
19 general arguments in response to Defendant’s objections (presumably to both sets of
20 Plaintiff’s discovery requests), Plaintiff does not identify which of Defendant’s responses
21 he deems inadequate.

22
23 The court does not hold litigants proceeding pro se to the
24 same standards that it holds lawyers. However, as the
25 moving party, Plaintiff bears the burden of informing the
26 court which discovery requests are the subject of his motion
27 to compel, which of Defendants’ responses are disputed,
28 why he believes Defendants’ responses are deficient, why
Defendants’ objections are not justified, and why the
information he seeks through discovery is relevant to the
prosecution of this action. See, e.g., Brooks v. Alameida, No.
CIV S–03–2343 JAM EFB P, 2009 U.S. Dist. LEXIS 9568,

1 2009 WL 331358, at *2 (E.D. Cal. Feb.10, 2009) (“Without
2 knowing which responses plaintiff seeks to compel or on
3 what grounds, the court cannot grant plaintiff’s motion.”);
4 Ellis v. Cambra, No. CIV 02–05646–AWI–SMS PC, 2008
5 U.S. Dist. LEXIS 109050, 2008 WL 860523, at *4 (E.D.Cal.
6 Mar.27, 2008) (“Plaintiff must inform the court which
7 discovery requests are the subject of his motion to compel,
8 and, for each disputed response, inform the court why the
9 information sought is relevant and why Defendant’s
10 objections are not justified.”).

11 Haynes v. Sisto, 2010 WL 4483486, at *2-3 (E.D. Cal. Nov. 1, 2010); see also Williams
12 v. Flint, 2007 WL 2274520, at *1 (E.D. Cal. Aug. 3, 2007) (“It is plaintiff’s burden to
13 describe why a particular response is inadequate. It is not enough to generally argue
14 that all responses are incomplete.”). Plaintiff fails to identify specifically which of
15 Defendant’s responses to Set One or Set Two are inadequate and why. Attaching all of
16 the discovery requests is insufficient and not acceptable.

17 Additionally, Plaintiff moves to compel Defendant to produce statements and
18 reports of witnesses. There is no indication, however, that Plaintiff served a Request for
19 Production of Documents pursuant to Federal Rule of Civil Procedure 34. Accordingly,
20 this request will be denied.

21 Lastly, Plaintiff seeks leave to serve additional interrogatories. Rule 33 of the
22 Federal Rules of Civil Procedure limits interrogatories to twenty-five per party, including
23 discrete subparts, but the Court may grant leave to serve additional interrogatories to
24 the extent consistent with Rule 26(b)(2). The limitation is not intended “to prevent
25 needed discovery, but to provide judicial scrutiny before parties make potentially
26 excessive use of this discovery device,” and “[i]n many cases, it will be appropriate for
27 the court to permit a larger number of interrogatories....” Advisory Committee Notes to
28 the 1993 Amendments of Fed. R. Civ. P. 33. Plaintiff does not indicate how many
additional interrogatories he seeks to serve or why. Without this information, the Court is
unable to determine whether leave to serve additional interrogatories should be granted.

Plaintiff’s motion will therefore be denied. Pursuant to the Court’s April 1, 2015,

1 Discovery and Scheduling Order, the discovery deadline in this case is December 1,
2 2015. The Court will, however, allow Plaintiff to file an amended motion if, and only if, he
3 does so within fourteen (14) days from the date of this Order. Plaintiff is advised to
4 focus his efforts on correcting the deficiencies identified above.

5 **III. CONCLUSION**

6 For the foregoing reasons, IT IS HEREBY ORDERED that:

- 7
- 8 1. Plaintiff's motion for extension of time (ECF No. 53) is GRANTED. Plaintiff's
9 reply is deemed timely filed;
 - 10 2. Plaintiff's motion to compel (ECF No. 51) is DENIED without prejudice to its
11 renewal; and
 - 12 3. The discovery deadline is extended for the limited purpose of allowing Plaintiff
13 to file an amended motion to compel within fourteen (14) days from the date
14 of this Order. No extensions of time will be granted absent good cause.

15 IT IS SO ORDERED.

16 Dated: December 1, 2015

17 /s/ Michael J. Seng
18 UNITED STATES MAGISTRATE JUDGE