

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW JAMES GRIFFIN,

 Plaintiff,

v.

A. JOHNSON, et al.,

 Defendants.

Case No. 1:13-CV-01599-LJO-BAM (PC)

ORDER DENYING MOTION TO COMPEL
PLAINTIFF MATTHEW JAMES GRIFFIN
TO PROVIDE RESPONSES TO
INTERROGATORIES AS MOOT

(ECF No. 111)

Plaintiff Matthew James Griffin (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Currently pending before the Court is a motion to compel Plaintiff to provide responses to four sets of interrogatories propounded by Defendants Johnson, Gonzales, Busch and Munoz. (ECF No. 111.) No opposition and no reply were filed.

On August 3, 2016, Defendants Johnson, Gonzales, Busch and Munoz each propounded a set of interrogatories on Plaintiff. (ECF No. 111-1, Ex. A.) Plaintiff’s responses were due on or before September 20, 2016. (ECF No. 111-2 at p. 2.) However, as of the filing of the motion to compel on September 30, 2016, Plaintiff had not served responses to Defendants’ interrogatories.

1 (Id.) Therefore, Defendants requested an order compelling Plaintiff to serve his responses.

2 Although Plaintiff did not file an opposition to the motion to compel, he submitted a
3 response to a motion for sanctions filed by Defendants Ross, Sexton, Smith, Thor and Valdez.
4 (ECF No. 133.) According to that response, as of November 7, 2016, Plaintiff had already
5 responded in writing to interrogatories from Defendants Busch, Johnson, Munoz and Gonzales.
6 (Id. at p. 6.) Additionally, Plaintiff filed his responses to interrogatories propounded by
7 Defendants Gonzales and Busch in support of his opposition to their motions for summary
8 judgment.¹ (ECF No. 147, Exs. 2 and 4.)

9 Based on the record before the Court, it appears that Plaintiff has served responses to the
10 interrogatories at issue. Accordingly, Defendants' motion to compel is HEREBY DENIED as
11 moot.
12 IT IS SO ORDERED.

13 Dated: September 11, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ Based on the exhibits, the responses reportedly were served on October 25, 2016.