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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MERRICK JOSE MOORE,
Plaintiff,
v.
GIPSON, et al.,
Defendants.

Case No. 1:13-cv-01820-BAM (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO COMPEL DISCOVERY
(ECF No. 103)

Plaintiff Merrick Jose Moore (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment claims for excessive force against Defendants Meier, Casas, Childress, and Adams, and for failure to intervene against Defendants Ford and Thornburg. All parties have consented to Magistrate Judge jurisdiction. (ECF Nos. 7, 74.)

On August 22, 2018, Plaintiff filed a motion requesting modification of the Court’s scheduling order, specifically seeking responses to discovery requests that were apparently served on defense counsel in late April 2017. (ECF No. 96.) On September 14, 2018, following full briefing on the motion, the Court denied Plaintiff’s motion on both procedural and substantive grounds. (ECF No. 104.)

Also on September 14, 2018, Plaintiff filed a motion to compel discovery and a declaration in support of the motion. (ECF No. 103.) It appears Plaintiff’s motion crossed in the

1 mail with the Court's order. Defendants have not yet had an opportunity to file an opposition, but
2 the Court finds a response is unnecessary, and the motion is deemed submitted. Local Rule
3 230(1).

4 In his renewed motion, Plaintiff again argues that he served discovery requests on
5 Defendants on April 26, 2017, citing to the attachments to his original motion requesting
6 modification of the scheduling order. Plaintiff raises no new arguments, and presents no
7 additional evidence to support his contention that discovery should be reopened and Defendants
8 should be compelled to respond to such requests. (ECF No. 103.)

9 Therefore, Plaintiff's renewed motion to compel, (ECF No. 103), is DENIED, for the
10 same reasons discussed in the Court's September 14, 2018 order.

11 IT IS SO ORDERED.

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13 Dated: September 17, 2018

/s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE

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