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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMON ARCEO,
Plaintiff,
v.
J. GONZALES, et al.,
Defendants.

Case No. 1:13-cv-2083-MJS (PC)

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY
(ECF No. 40)**

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 action proceeds against Defendants Gonzales, Receo, and Souvannkaham on Plaintiff's Eighth Amendment excessive force and state law assault and battery claims. (ECF No. 10.)

Before the Court is Plaintiff's March 4, 2015 motion to compel a response to his request for production of documents. (ECF No. 40.)

At the outset of this case, the Court conducted an initial scheduling conference in which the parties agreed to certain expedited litigation procedures. (See ECF Nos. 23, 25, 27, 35, & 36.) The parties agreed to make certain initial disclosures, outlined in the

1 Court's discovery and scheduling order (ECF No. 33), by December 10, 2014. The
2 order specifically provided, and the parties agreed, that no other written discovery would
3 be conducted, except on order of the Court for good cause shown. Thus, neither the
4 parties' agreement nor the Court's discovery and scheduling order permits Plaintiff to
5 propound a request for production of documents or to file a motion to compel based on
6 Defendants' failure to respond to such a request.

7 The discovery and scheduling order also provides specific procedures for
8 attempting to resolve discovery disputes through a telephonic discovery dispute
9 conference. Discovery has closed and the time for filing discovery motions in this action
10 – including requests for a discovery dispute conference – has passed. Nonetheless, the
11 Court will afford Plaintiff **ten days** from the date of this order to request a telephonic
12 discovery dispute conference **if** he believes discovery required under the Court's order
13 has not been provided to him.

14 Based on the foregoing, Plaintiff's motion to compel is HEREBY DENIED.

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16 IT IS SO ORDERED.

17 Dated: March 6, 2015

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