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

ANDREW B. THOMPSON,  
Plaintiff,  
v.  
MEYER-ZLOKOVICH, et al  
Defendants.

**Case No. 1:14-cv-01521-LJO-JLT (PC)**  
**ORDER GRANTING DEFENDANT ROCHA'S MOTION TO COMPEL DISCOVERY RESPONSES**  
**(Doc. 13)**  
**30-DAY DEADLINE**

In this action, Plaintiff brings claims against defendants Correctional Officers D. Meyers, Morrows, Moreno, and A. Rocha for use of deliberate indifference to Plaintiff's safety in violation of the Eighth Amendment and for retaliation in violation of the First Amendment. (Doc. 9.) On May 8, 2013, Defendant Rocha filed a notice of motion and motion to compel Plaintiff to respond to propounded discovery. (Doc. 13.) Defendant based the motion to compel on Plaintiff's complete failure to respond to the request for production of documents. (*Id.*)

The Scheduling Order, which issued on December 2, 2014, provided a discovery cut-off date of August 2, 2015 and required any motions to compel to be filed by that date as well. (Doc. 12.) That same order required all discovery requests to be served in accordance with Federal Rules of Civil Procedure and Local Rules and service of responses to written discovery within 45 days after the request is served. (*Id.*) Defendant Rocha served the request for production at issue on Plaintiff on February 5, 2015. (Doc. 13-2, ¶2.) Plaintiff requested an extension of time to

1 serve his responses, which was granted. (*Id.* at ¶¶ 3, 4.) However, thereafter Plaintiff failed to  
2 serve responses. (*Id.* at ¶ 5.)

3 Parties are entitled to seek discovery of "any nonprivileged matter that is relevant to any  
4 party's claim or defense. . . ." Fed. R. Civ. P. 26(b)(1). Each interrogatory must be answered by  
5 the party to whom they are directed. Fed. R. Civ. P. 33(b)(1). Failure to timely serve responses  
6 waives objections to the interrogatories. Fed. R. Civ. P. 33(b)(4).

7 Plaintiff's complete failure to respond to Defendant Rocha's request for production has  
8 affected a waiver of any objections that he might otherwise have raised. Defendant is entitled to a  
9 response to the request for production and production of the documents sought therein.

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. Defendant Rocha's motion to compel Plaintiff to respond to the request for  
12 production which was served on Plaintiff on February 5, 2015, filed May 8, 2015  
13 (Doc. 13), is **GRANTED**; and
- 14 2. Within 30 days of the date of this order, Plaintiff is ordered to serve responses and  
15 to produce documents responsive to Defendant Rocha's request for production,  
16 without objections.

17 **Plaintiff is advised that his failure to comply with this order and/or his failure to cooperate**  
18 **in discovery, may give rise to an order terminating this action or restricting his ability to**  
19 **present evidence.**

20 IT IS SO ORDERED.

21 Dated: July 6, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE