ROBERT BISHOP, Plaintiff, v. RAUL LOPEZ, et al., Defendants. pursuant to 42 U.S.C. § 1983. (ECF Nos. 69, 70, 74.)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

)	Case No.: 1:15-cv-00273-LJO-SAB (PC)
)	ORDER DENYING PLAINTIFF'S OBJECTIONS TO DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS
)	[ECF No. 82]

Plaintiff Robert Bishop is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff's objections to Defendants' request for an extension of time to respond to Plaintiff's discovery requests, filed September 25, 2015. Plaintiff contends that Defendants' counsel made misleading statements to the Court in the request for such extension. (ECF No. 82.) Defendants filed a response to Plaintiff's objections on September 30, 2015. (ECF No. 84.)

Defendants filed the motion for extension of time on September 10, 2015, and the Court granted Defendants' motion on September 11, 2015, with further clarification on September 15, 2015. (ECF Nos. 69, 70, 74.)

In his objections, Plaintiff contends that "Defense Counsel Kelly A. Samson has not made her request in good faith and that it is for purposes of delay and/or some other improper purpose." (ECF No. 82 at 1.) Plaintiff alleges that defense counsel declared that she provided 1,672 pages of documents, but that he had only been provided 315 pages of documents. (ECF No. 82.) Plaintiff

states that he attempted to contact counsel regarding the incomplete discovery responses but received no response. (<u>Id.</u>)

Defense counsel declares that in response to Plaintiff's objections, she sent a letter to Plaintiff explaining that while she received his letter indicating that he received incomplete discovery, she had assumed he was referring to the initial printing error in her office where she had to send three of the exhibits in separate mailing. (ECF No. 84, attached letter, dated September 28, 2015, and mailed on September 30, 2015.) Counsel further declares that on September 30, 2015, she served an additional set of Defendants' document production to ensure that Plaintiff received all 1.672 pages referenced in her declaration. (ECF No. 84, Kelly A. Samson Decl. ¶ 8.) Counsel states "Plaintiff should have in his possession 39 pages attached as Exhibit 1, 15 pages attached as Exhibit 2, 56 pages attached as Exhibit 3, 44 pages attached as Exhibit 4, 1,339 pages attached as Exhibit 5, 1 page attached as Exhibit 6, 9 pages attached as Exhibit 7, 9 pages attached as Exhibit 8, 66 pages attached as Exhibit 9, and 94 pages attached as Exhibit 10. If he is missing any of the above mentioned pages, he should send me a letter." (Id.)

Based on the representations made by defense counsel Kelly A. Samson, Plaintiff's objections to Defendants' motion for an extension of time to respond to his discovery requests is DENIED.

IT IS SO ORDERED.

Dated: **October 1, 2015**

UNITED STATES MAGISTRATE JUDGE