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

JASON LEROY COOPER,
Plaintiff,
v.
EDMUND G. BROWN, JR., et al.,
Defendants.

1:15-cv-00908-DAD-GSA-PC

**ORDER DENYING PLAINTIFF’S MOTION TO
COMPEL AS MOOT
(ECF No. 36.)**

Plaintiff Jason Leroy Cooper (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff’s Second Amended Complaint filed on July 7, 2017, against defendant Dr. Chakotos (“Defendant”) on Plaintiff’s medical claim under the Eighth Amendment. (ECF No. 19.)

On June 13, 2018, Plaintiff filed a motion to compel discovery responses from defendant Chakotos. (ECF No. 36.) On June 21, 2018, Plaintiff filed a supplemental declaration addressing the motion to compel. (ECF No. 37.) On June 22, 2018, Defendant filed a response to the motion to compel. (ECF No. 38.)

Plaintiff requests a court order compelling Defendant to serve discovery responses pursuant to the court’s order of April 11, 2018, which required Defendant to serve discovery responses within thirty days. (ECF No. 36.) In his supplemental declaration, Plaintiff notifies

1 the court that he finally received on June 5, 2018 the discovery responses at issue. (ECF No.
2 37 at 2 ¶ 4.) Plaintiff also submits a copy of a letter from defense counsel dated June 1, 2018,
3 in which defense counsel asserts that the discovery responses were served on Plaintiff by mail
4 on May 11, 2018, but as a courtesy, the responses were being sent again. (ECF No. 37 at 4.) In
5 his opposition, Defendant argues that the motion to compel is now moot. (ECF No. 38.)

6 Given that Plaintiff has now received the discovery responses at issue, Plaintiff's
7 motion to compel is moot and shall be denied as such.

8 **III. CONCLUSION**

9 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion to compel,
10 filed on June 13, 2018, is DENIED as moot.

11 IT IS SO ORDERED.

12
13 Dated: June 26, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE