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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 BRIAN CAPUTO,

10 Plaintiff,

11 v.

12 GONZALES, et al.,

13 Defendants.  
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Case No. 1:15-cv-01008-LJO-EPG (PC)

ORDER GRANTING DEFENDANTS'  
REQUEST FOR EXTENSION OF TIME TO  
DEPOSE PLAINTIFF, DENYING  
PLAINTIFF'S REQUEST FOR  
SANCTIONS, AND REQUIRING  
DEFENDANTS TO RE-SERVE  
DOCUMENTS

(ECF NOS. 156, 157, & 159)

15 Brian Caputo ("Plaintiff") is a prisoner<sup>1</sup> proceeding *pro se* and *in forma pauperis* in this  
16 this civil rights action filed pursuant to 42 U.S.C. § 1983.

17 On January 28, 2019, Plaintiff filed a notice stating that Defendants failed to send him  
18 the documents required by the Court order dated December 20, 2018. (ECF No. 156). Due to  
19 this failure, as well as Defendants' alleged false statements, Plaintiff asks for terminating  
20 sanctions. (ECF No. 157, p. 2).

21 On January 30, 2019, Defendants filed a motion to extend discovery deadline for  
22 deposition of Plaintiff. (ECF No. 159). Defendants state that the video deposition could not  
23 take place due to the shutdown of the federal government, and ask that the deadline be  
24 extended to March 29, 2019. In the motion, Defendants also state that the documents they sent  
25 in compliance with the Court's order dated December 20, 2018, were returned as undeliverable.  
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28 <sup>1</sup> Plaintiff was detained at Kern County Jail at the time of the incidents alleged in the complaint. He is  
now incarcerated at USP Yazoo City.

1 The Court finds good cause to grant Defendants' request for an extension of time to  
2 take Plaintiff's deposition. Accordingly, Defendants will be given until March 29, 2019, to  
3 take Plaintiff's deposition. The extension does not apply to any other discovery.

4 As to Plaintiff's request for sanctions, it will be denied. Defendants have stated that  
5 they did comply with the Court's order, but that the documents were returned as undeliverable.  
6 Defendants also submitted a copy of the return receipt. Thus, sanctions are not appropriate.  
7 However, the Court will direct Defendants to re-serve the documents on Plaintiff.

8 Accordingly, IT IS ORDERED that:

- 9 1. Defendants have until March 29, 2019, to take Plaintiff's deposition;
- 10 2. Plaintiff's request for sanctions is denied; and
- 11 3. Defendants have seven days from the date of service of this order to re-serve the  
12 documents that were returned as undeliverable.

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14 IT IS SO ORDERED.

15 Dated: January 31, 2019

16 /s/ Eric P. Grogan  
17 UNITED STATES MAGISTRATE JUDGE  
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