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

VANCE UTLEY,  
  
                    Plaintiff,  
  
          v.  
  
C.O. ACEVEDO, et al.,  
  
                    Defendants.

Case No. 1:15-cv-01086-DAD-SAB  
  
ORDER DENYING PLAINTIFF’S MOTION  
TO COMPEL WITHOUT PREJUDICE AND  
VACATING THE JULY 20, 2016 HEARING  
  
(ECF No. 41)

On June 29, 2016, Plaintiff filed a motion to compel the production of records from the California Department of Corrections and Rehabilitation (CDCR). (ECF No. 41.) Plaintiff noticed the motion to compel for hearing on July 20, 2016. The parties have not filed a joint statement re discovery disagreement or an affidavit pursuant to Local Rule 251(d).

The Local Rules provide that a party may file a motion to compel and service of a noticed motion scheduling the hearing date twenty-one days from the date the motion is served. L.R. 251(a). The parties may also file the notice of motion and motion concurrently with the joint statement scheduling the hearing date seven days from the date of filing. L.R. 251(a). To comply with Rule 251, the parties are required to file a joint statement of the discovery dispute or an affidavit pursuant to Rule 251(d) at least seven days prior to the hearing day. L.R. 251(a). “The hearing may be dropped from the calendar without prejudice if the Joint Statement re Discovery Disagreement or an affidavit as set forth below is not filed at least seven (7) days

1 before the scheduled hearing date.” L.R. 251(a).

2 Here, the parties have not filed a joint statement re discovery disagreement or an affidavit  
3 pursuant to Local Rule 251(d). Therefore, the parties have not complied with Local Rule 251.  
4 Thus, the hearing is vacated and Plaintiff’s motion to compel is denied without prejudice.

5 There are two manners in which to have discovery disputes resolved. The first is by a  
6 noticed motion as described in Rule 251. Secondly, the parties may agree to participate in the  
7 informal discovery dispute process which can be found at the United States District Court for the  
8 Eastern District of California’s website (<http://www.caed.uscourts.gov>) under Judges; United  
9 States Magistrate Judge Stanley A. Boone (SAB). In the area entitled “Case Management  
10 Procedures,” there is a link to “Discovery Dispute Procedures.”

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The July 20, 2016 hearing on Plaintiff’s motion to compel is vacated; and
- 13 2. Plaintiff’s motion to compel (ECF No. 41) is denied without prejudice.

14  
15 IT IS SO ORDERED.

16 Dated: July 15, 2016

  
UNITED STATES MAGISTRATE JUDGE