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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 HECTOR ALEMAN,  
11 Plaintiff,  
12 v.  
13 C/O K. ACOSTA., et al.,  
14 Defendants.

Case No. 1:15-cv-01293-LJO-EPG (PC)  
ORDER DENYING PLAINTIFF'S MOTION  
TO COMPEL  
(ECF No. 62)

15  
16 Hector Aleman ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
17 in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on a failure  
18 to protect claim against Defendants Rentieria, Ledesma, Nuno, Fierros, Montalvo, Acosta, and  
19 Garcia. (ECF No. 15).

20 On January 2, 2018, Plaintiff filed a motion to compel. (ECF No. 62). Plaintiff asks the  
21 Court to compel Defendants to respond to the following interrogatories:

- 22
- Special Interrogatory No. 14: Is having "good observation" a part of your job  
23 and training?
  - Special Interrogatory No. 6: Is having good observation a part of your job and  
24 training.  
25

26 Defendants object on the basis that the interrogatories are vague and ambiguous.  
27 Defendants also object on the basis that the motion to compel was not brought within the period  
28 for non-expert discovery, not to mention prior to the Court's scheduled conference to discuss

1 discovery issues.

2 On June 16, 2017, the Court entered a Scheduling Order setting inter alia a non-expert  
3 discovery cut-off deadline as follows:

4 A discovery conference has been set for November 6, 2017... Up until four  
5 weeks before the discovery conference, the parties may file a motion to compel  
6 further discovery responses. ... Unless there is a need for discovery prior to the  
7 discovery conference, motions to compel will not be considered until the  
8 discovery conference. Motions to compel will not be permitted after the  
9 discovery conference absent good cause. The parties should be prepared to  
10 address all discovery disputes at the discovery conference.

11 The deadline for the completion of all non-expert discovery is December 15,  
12 2017. All non-expert discovery must be provided by this date, including  
13 discovery compelled following the discovery conference.

14 (ECF No. 43 at 4-5.)

15 Pursuant to the Scheduling Order, the Court held a telephonic Discovery and Status  
16 Conference on November 6, 2017. (ECF No. 58.) During the conference, the Court discussed  
17 discovery issues with the parties. Plaintiff appeared *pro se* for the hearing, and counsel  
18 appeared on behalf of the Defendants. Plaintiff informed the Court during the conference that  
19 he had no outstanding discovery issues in need of resolution. The non-expert discovery  
20 deadline passed on December 15, 2017 without any party requesting an extension of time.

21 The Court will deny the motion to compel. It agrees with Defendants that the  
22 interrogatories are vague and ambiguous regarding what is “good observation.”

23 Additionally, the Court will deny the motion to compel because it was not timely raised  
24 with the Court. The Court recognizes that no response was due to his interrogatories at the time  
25 of the November 6, 2017 conference. However, this does explain Plaintiff’s delay in serving  
26 the interrogatories. The Scheduling Order made it clear that “Motions to compel will not be  
27 permitted after the discovery conference absent good cause.” (*Id.*) Plaintiff has not attempted  
28 establish good cause for his failure to timely file a motion to compel.

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Accordingly, Plaintiff's motion to compel (ECF No. 62) is denied.

IT IS SO ORDERED.

Dated: January 19, 2018

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE