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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVONTE HARRIS,
Plaintiff,
vs.
HUMBERTO GERMAN, et al.,
Defendants.

1:15-cv-01462-DAD-GSA-PC
**ORDER GRANTING PLAINTIFF’S
MOTIONS FOR EXTENSION OF
TIME
(ECF Nos. 81, 82.)**
**SIXTY-DAY DEADLINE TO FILE
MOTION TO COMPEL AND TO
CONDUCT DEPOSITIONS**

I. BACKGROUND

Devonte Harris (“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 the First Amended Complaint filed by Plaintiff on March 14, 2016, against defendants Correctional Officer (C/O) Humberto German, C/O Philip Holguin, and C/O R. Burnitzki (collectively, “Defendants”), for use of excessive force in violation of the Eighth Amendment; and against defendant C/O Philip Holguin for retaliation in violation of the First Amendment.¹ (ECF No. 8.)

On December 2, 2019, Plaintiff filed motions for a sixty-day extension of time to file a motion to compel, and a sixty-day extension of time to conduct depositions. (ECF Nos 81, 82.)

¹ On January 17, 2019, the court dismissed all other claims and defendants from this case based on Plaintiff’s failure to state a claim. (ECF No. 31.)

1 Defendants have not opposed the motions, and the time for opposition has passed. Local Rule
2 230(l).

3 **II. PLAINTIFF'S MOTIONS**

4 **A. Motion for Extension of Time to File Motion to Compel (ECF No. 81.)**

5 Plaintiff seeks a sixty-day extension of time to file a motion to compel in which he seeks
6 to compel Defendants to comply with the court's order issued on September 24, 2019, which
7 ordered Defendants to produce discovery documents no later than October 25, 2019. (ECF No.
8 77.) Plaintiff asserts that Defendants only produced a confidential appeal query and failed to
9 produce the internal affairs report that was ordered.

10 Plaintiff asserts that on November 5, 2019, he was transferred from California State
11 Prison-Corcoran to California State Prison-Sacramento for a criminal proceeding in Sacramento,
12 and that prison staff only allowed him to transfer with a limited amount of his legal material,
13 none of which is related to this case. For this reason, and because he has been engrossed in the
14 criminal trial in which he is representing himself, Plaintiff asserts that he has not been able to file
15 the motion to compel.

16 Defendants have not opposed Plaintiff's motion for extension of time. Based on the
17 foregoing, the court finds good cause to grant Plaintiff an extension of time to file the motion to
18 compel he describes above.

19 **B. Motion for Extension of Time to Conduct Depositions (ECF No. 82.)**

20 For the same reasons cited above, Plaintiff seeks a sixty-day extension of time to arrange
21 for and conduct depositions. Defendants have not opposed Plaintiff's motion for extension of
22 time. The court finds good cause to grant Plaintiff an extension of time to arrange for and conduct
23 depositions.

24 **IV. CONCLUSION**

25 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff's motions for extension of time, filed on December 2, 2019, are
27 GRANTED;

28 ///

1 2. Plaintiff is granted sixty days from the date of service of this order in which to file
2 a motion to compel Defendants to comply with the court's order of September 24,
3 2019; and

4 3. Plaintiff is granted sixty days from the date of service of this order in which to
5 arrange for and conduct depositions, pursuant to the court's order of October 15,
6 2019.

7
8 IT IS SO ORDERED.

9 Dated: January 30, 2020

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE