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

MARIO KING,	)	Case No. 1:16-cv-00433-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION TO
v.	)	COMPEL AS UNTIMELY
	)	
W.S. WADKINS,	)	[ECF No. 90]
	)	
Defendant.	)	
	)	
	)	
	)	

Plaintiff Mario King is a state prisoner and appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 29, 2018, Plaintiff filed a motion to compel responses to discovery. Defendant filed an opposition on February 12, 2018.

On August 23, 2016, the Court issued the discovery and scheduling order on August 23, 2016, setting the deadline for completion of all written discovery as April 23, 2017. (ECF No. 18.) The discovery and scheduling order provided that the deadline for the completion of all discovery, included the filing of all motions to compel. (Id. at 2.)

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1 Prior to the expiration of the discovery deadlines, Defendants filed a motion to extend the  
2 discovery deadline on April 13, 2017. (ECF No. 40.) On April 17, 2017, the Court granted  
3 Defendant's motion and extended the discovery deadline to May 8, 2017. (ECF No. 41.) Plaintiff  
4 thereafter sought an additional extension of time to provide responses to Defendant's discovery  
5 requests on April 17, 2017. (ECF No. 42.) The Court granted Plaintiff's requests and extended the  
6 discovery deadline to June 14, 2017. (ECF No. 43.)

7 On August 23, 2017, Plaintiff filed a motion to compel, and Defendant filed an opposition on  
8 August 30, 2017. On September 13, 2017, the Court denied Plaintiff's motion to compel but extended  
9 the discovery and dispositive motion deadlines for the limited purpose of Defendant to respond to  
10 Plaintiff's first set of interrogatories and first set of production of documents within forty-five days of  
11 the order. (ECF No. 74.)

12 On October 30, 2017, the Court granted Defendant's request for an extension of time to  
13 November 3, 2017, to serve a response to Plaintiff's discovery requests. (ECF No. 79.) Defendant  
14 timely responded to all of Plaintiff's discovery requests. (ECF No. 81.)

15 On November 27, 2017, Plaintiff filed two separate motions for an extension of time to prepare  
16 and file motions to compel. (ECF Nos. 82, 83.)

17 On November 29, 2017, Defendant Wadkins filed a motion for summary judgment. (ECF No.  
18 84.)

19 On December 22, 2017, the Court denied Plaintiff's motions finding that Plaintiff failed to  
20 demonstrate good cause to extend the discovery deadline. (ECF No. 86.)

21 On January 12, 2018, the undersigned issued Findings and Recommendations recommending  
22 that Defendant's motion to summary judgment be granted and judgment be entered in favor of  
23 Defendant Wadkins.

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1 Plaintiff's instant motion to compel must be denied as untimely as the discovery deadline has  
2 expired and Plaintiff's previous requests to extend the deadline have been denied. Plaintiff cannot  
3 simply file an untimely motion to compel and expect a ruling. Accordingly, Plaintiff's motion to  
4 compel is denied as untimely.

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6 IT IS SO ORDERED.

7 Dated: February 13, 2018



8 UNITED STATES MAGISTRATE JUDGE

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