1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 DAVID FLYNN, Case No. 1:16-cv-01052-AWI-BAM (PC) 12 Plaintiff. ORDER DENYING DEFENDANTS' MOTION TO COMPEL WITHOUT 13 v. **PREJUDICE** (ECF No. 28) 14 CANLAS, et al., ORDER REGARDING JOINT STATEMENT 15 Defendants. REGARDING MOTION TO COMPEL (ECF No. 32) 16 Plaintiff's Discovery Responses Due: 17 **January 8, 2018** 18 Plaintiff David Flynn ("Plaintiff") is a state prisoner proceeding pro se and in forma 19 20 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 21 On October 27, 2017, Defendants filed a motion to compel answers to interrogatories, 22 requests for production of documents, and answers to questions at oral deposition. (ECF No. 28.) 23 On October 30, 2017, the Court issued an order staying briefing on the motion to compel, and 24 directing the parties to meet and confer and file a Joint Statement. (ECF No. 29.) On December 8, 2017, the parties filed a joint statement. (ECF No. 32.) The parties state 25 26 that they met and conferred on December 7, 2017, and have fully resolved the motion to compel. 27 Plaintiff has agreed to produce full responses to the subject written discovery responses by 28 January 8, 2018. Defendants request that the Court maintain the October 27, 2017 motion to

compel on the docket until January 8, 2018, in the event Plaintiff fails to provide sufficient responses. (Id.) The Court declines to maintain Defendants' motion to compel on the docket. At this time, the parties have informed the Court that the motion to compel has been resolved in full through the meet and confer process. In the event that Plaintiff fails to provide sufficient discovery responses, Defendant may renew the motion to compel stating what issues remain unresolved and allowing Plaintiff an opportunity to respond. Accordingly, Defendants' motion to compel, (ECF No. 28), is DENIED without prejudice. Plaintiff's discovery responses are due on or before January 8, 2018. IT IS SO ORDERED. 1s/Barbara A. McAuliffe Dated: **December 11, 2017**