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

DAVID FLYNN,  
Plaintiff,  
v.  
CANLAS, et al,  
Defendants.

Case No. 1:16-cv-01052-AWI-BAM (PC)  
ORDER REGARDING JOINT STATEMENT  
FOLLOWING MEET-AND-CONFER  
(ECF No. 41)  
ORDER DIRECTING PLAINTIFF TO FILE  
FURTHER STATUS REPORT  
**Status Report Due: September 10, 2018**

Plaintiff David Flynn (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 9, 2018, Plaintiff filed a motion to compel pursuant to Federal Rule of Civil Procedure 37(a)(3)(B). (ECF No. 39.) On July 11, 2018, the Court issued an order directing the parties to meet and confer regarding the discovery dispute, and to file a joint statement following the parties’ conference. The Court further stayed briefing on Plaintiff’s motion to compel. (ECF No. 40.)

Currently before the Court is the parties’ Joint Statement Regarding Motion to Compel. (ECF No. 41.) The parties indicate that the motion to compel was resolved in full through the meet and confer process, and Defendant has agreed to produce full responses to the subject written discovery requests by August 24, 2018. Plaintiff requests that the Court maintain his

1 motion to compel on the docket in the event Defendant fails to provide responses, or the  
2 responses are insufficient, at which time Plaintiff will request a ruling on the motion to compel.

3 (Id.)

4 The Court finds it appropriate to maintain Plaintiff's motion to compel on the docket, and  
5 briefing on the motion will remain stayed. The Court further finds that it will be beneficial to  
6 receive a further status report from Plaintiff indicating whether he has received sufficient  
7 responses from Defendant, and whether he intends to withdraw or request a ruling on his motion  
8 to compel. Should Plaintiff receive sufficient discovery responses prior to the deadline, Plaintiff  
9 should promptly inform the Court that the motion to compel may be withdrawn from the docket.  
10 Should Plaintiff find the discovery responses insufficient and request a ruling on the motion, the  
11 Court will allow Defendant an opportunity to file an opposition.

12 Accordingly, IT IS HEREBY ORDERED as follows:

- 13 1. Briefing on Plaintiff's motion to compel (ECF No. 41) remains stayed until further  
14 order of the Court;
- 15 2. On or before September 10, 2018, Plaintiff shall file a further status report regarding  
16 his motion to compel, as set forth above.

17  
18 IT IS SO ORDERED.

19 Dated: August 13, 2018

/s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE