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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 STRIKING PLAINTIFF’S REQUEST  
FOR ADMISSION AND DECLARATION  
FOR ADDITIONAL DISCOVERY  
(ECF No. 43)

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.) On August 9, 2018, the parties filed a joint statement indicating that the motion to compel had been resolved in full, and Defendant Maddox agreed to produce full responses to the discovery requests at issue by August 24, 2018. (ECF No. 41.) The Court agreed to maintain Plaintiff’s motion to compel on the docket pending Defendant’s provision of responses to the outstanding requests. (ECF No. 42.)

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1 Currently before the Court is Plaintiff's Requests for Admission and Declaration for  
2 Additional Discovery, filed August 16, 2018. (ECF No. 43.) It appears Plaintiff intended to  
3 serve the Requests for Admission on Defendant Maddox, although the attached declaration of  
4 service indicates that the Requests were served only on the Clerk of the Court. (Id. at 7.)

5 Pursuant to Local Rule 250.4(c), requests for admission, responses, and proofs of service  
6 thereof shall not be filed unless and until there is a proceeding in which the document or proof of  
7 service is at issue. As Plaintiff has identified no issue which requires the Court's intervention, the  
8 filing is not appropriately before the Court.

9 To the extent Plaintiff intended this document to be filed as a motion, the Court notes that,  
10 pursuant to the amended discovery and scheduling order, the deadline for completion of all  
11 discovery was March 16, 2018. (ECF No. 24.) Though that deadline was later extended to July  
12 6, 2018, the extension was **limited only to the provision of responses to Plaintiff's special**  
13 **interrogatories to Defendant Maddox, Set One, and the filing of any related motion to**  
14 **compel.** (ECF No. 38.) Plaintiff's filing fails to set forth good cause to re-open discovery in this  
15 matter to allow service of additional discovery requests on Defendant Maddox.

16 Accordingly, it is HEREBY ORDERED that Plaintiff's Requests for Admission and  
17 Declaration for Additional Discovery, filed August 16, 2018 (ECF No. 43), is STRICKEN from  
18 the record.

19  
20 IT IS SO ORDERED.

21 Dated: August 17, 2018

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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