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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JEREMY JONES,

12 Plaintiff,

13 vs.

14 ARNETTE, et al.,

15 Defendants.
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1:16-cv-01212-ADA-GSA-PC

**ORDER DENYING PLAINTIFF’S MOTION TO
COMPEL AS UNTIMELY AND DEFICIENT
(ECF No. 135.)**

**ORDER DENYING DEFENDANTS’ REQUEST
FOR EXTENSION OF TIME AS MOOT
(ECF No. 136.)**

20 **I. BACKGROUND**

21 Jeremy Jones (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
22 with this civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act
23 (ADA), 42 U.S.C. § 12132. This case now proceeds with Plaintiff’s ADA claims against
24 Defendants Keener, Gonzalez, Flores, Arnett, and Zamora; Plaintiff’s Eighth Amendment claims
25 against Defendants Keener and Gonzalez; Plaintiff’s ADA and equal protection claims against
26 defendant Zamora; and Plaintiff’s due process claims against Defendants Keener and Gonzalez.

27 On March 31, 2023, Plaintiff filed a motion to compel. (ECF No. 135.) On April 28,
28 2023, counsel for Defendants Arnett, Flores, Gonzalez, Zamora, and Keener (“Defendants”)

1 requested leave of Court to file a late response to Plaintiff's motion to compel, if the Court deems
2 that an opposition brief is necessary or desirable. (ECF No. 136.)

3 The parties' motions are now before the Court. Local Rule 230(l).

4 **II. MOTION TO COMPEL**

5 On March 31, 2023, Plaintiff filed a motion to compel Defendants to produce documents
6 from their personnel files pertaining to any complaints, investigations, and disciplinary actions
7 taken in accordance with Senate Bill No. 1421, for purposes of impeachment. (ECF No. 135.)

8 Plaintiff's motion is untimely. The deadline to conduct discovery, including the filing of
9 motions to compel, was March 12, 2023, pursuant to the Court's Discovery and Scheduling Order
10 issued on September 12, 2022. (ECF No. 133.) Thus, the discovery deadline expired on March
11 12, 2023, 19 days before Plaintiff filed his motion to compel.

12 Moreover, Plaintiff's motion to compel is deficient. Plaintiff has not properly informed
13 the court which discovery requests and responses are at issue by restating them in the motion to
14 compel. Most discovery requests and responses are exchanged between parties, outside of the
15 court, and Local Rules prohibit the filing of discovery documents as a matter of course. As a
16 result, the court is not informed of the parties' discovery unless it at issue, such as in a motion to
17 compel.

18 Plaintiff is advised that when he brings a motion to compel, he must inform the court
19 which discovery requests and responses are at issue by restating them word-for-word in the
20 motion to compel. For each disputed response, Plaintiff is required to discuss why the
21 information sought is relevant and why the responding party's objections were not meritorious.

22 Plaintiff's motion to compel shall be denied as untimely and deficient.

23 **III. DEFENDANTS' REQUEST**

24 Counsel for Defendants requests leave of Court to file a late response to Plaintiff's motion
25 to compel if the Court deems that an opposition brief is necessary or desirable. Given that
26 Plaintiff's motion to compel shall be denied by this order as untimely and deficient, the Court
27 finds no good cause to require a response from Defendants at this stage of the proceedings.
28 Therefore, Counsel's request shall be denied as moot.

1 **IV. CONCLUSION**

2 Based on the foregoing, **IT IS HEREBY ORDERED** that:

- 3 1. Plaintiff's motion to compel, filed on March 31, 2023, is denied as untimely and
4 deficient; and
- 5 2. Defendants' request for leave to file a late response to Plaintiff's motion to
6 compel, filed on April 28, 2023, is denied as moot.

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8 **IT IS SO ORDERED.**

9 Dated: May 6, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE