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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 CHRISTOPHER LIPSEY, JR.,) Case No.: 1:17-cv-00569-LJO-BAM (PC)
10 Plaintiff,)
11 vs.) ORDER DENYING PLAINTIFF'S MOTION
12 DR. REDDY, et al.,) IN OPPOSITION TO DEFENDANTS'
13 Defendants.) INTERROGATORIES, SET ONE, AS
14) UNNECESSARY
) (Doc. No. 67)

15 Currently before the Court is Plaintiff's motion in opposition to Defendants'
16 Interrogatories, Set One, filed on September 10, 2018. (Doc. No. 67.) Plaintiff seeks a
17 protective order and sanctions, arguing that the interrogatories are improper and untimely.

18 Defendants filed a response on September 25, 2018, agreeing that the interrogatories are
19 untimely. (Doc. No. 68.) In support, defense counsel declares that counsel misunderstood the
20 Court's order staying non-exhaustion related discovery, and withdraws the interrogatories.

21 Accordingly, Plaintiff's motion is HEREBY DENIED, as unnecessary. Plaintiff is not
22 required to respond to Defendants Interrogatories, Set One, served on August 10, 2018.
23 Sanctions are not appropriate, as the mistake was a reasonable misinterpretation, not bad faith.

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25 IT IS SO ORDERED.

26 Dated: September 26, 2018

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE