

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JAMES C. McCURDY,) Case No.: 1:17-cv-01356-LJO-SAB (PC)
)
 Plaintiff,)
) ORDER DENYING PLAINTIFF’S MOTION TO
 v.) COMPEL
)
 S. KERNAN, et al.,) [ECF No. 50]
)
 Defendants.)
)
)
)
)

Plaintiff James C. McCurdy is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to compel, filed July 15, 2019. Defendants filed an opposition on July 22, 2019. The Court deems the matter suitable without a reply pursuant to Local Rule 230(1). Plaintiff’s motion to compel must be denied.

In his motion to compel, Plaintiff seeks an order compelling Defendant Thomas to respond to his discovery requests. (ECF No. 50 at pp. 1-2.) However, the sole Defendant in this action is Bautista, not Thomas. In addition, discovery in this matter was stayed on June 4, 2019, pending a final ruling on Defendant’s motion for summary judgment. (ECF No. 46.) Thus, Plaintiff’s motion to compel must be denied. The Court notes for the record that Plaintiff may have intended to file this motion in case number 2:17-cv-01736-TLN-CKD (PC), James C. McCurdy v. California Department of Corrections and Rehabilitation, et al., in which Randy Thomas is a Defendant. Therefore, if

1 Plaintiff inadvertently filed the motion in this action, he must re-file it in the other case if that was his
2 true intent.

3
4 IT IS SO ORDERED.

5 Dated: July 23, 2019



UNITED STATES MAGISTRATE JUDGE

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28