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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 CLAUDE CARR,

12 Plaintiff,

13 v.

14 TED PRUITT,

15 Defendant.

Case No. 1:17-cv-01769-DAD-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL WITHOUT PREJUDICE

(ECF No. 60)

FOURTEEN DAY DEADLINE

16
17 Claude Carr ("Plaintiff") is appearing *pro se* and *in forma pauperis* in this civil rights
18 action pursuant to 42 U.S.C. § 1983. On May 22, 2020, Plaintiff filed a motion to compel
19 discovery.

20 Plaintiff's motion to compel alleges that he submitted interrogatories and requests for
21 production of documents to Defendant and did not receive complete responses. While Plaintiff
22 identifies the specific interrogatories and requests for production that he seeks further response
23 to, he fails to address why the interrogatories or production responses are deficient. A motion to
24 compel must be accompanied by a copy of Plaintiff's discovery requests at **issue and a copy of**
25 **Defendant's responses to the discovery requests**. Here, Plaintiff did not provide a copy of
26 Defendant's responses.

27 Further, as the moving party, Plaintiff bears the burden of informing the Court which
28 discovery requests are the subject of his motion to compel and, for each disputed response, why

1 Defendant's objection is not justified. Plaintiff may not simply assert that he has served
2 discovery requests, that he is dissatisfied, and that he wants an order compelling responses. The
3 Court shall deny Plaintiff's motion on the ground that it is procedurally deficient. The denial
4 will be without prejudice to curing the deficiencies and re-filing the motion, within fourteen
5 days.

6 Plaintiff is advised that discovery in this matter is set to close on June 23, 2020 and
7 pursuant to the discovery and scheduling order, "[t]he deadline for the completion of all
8 discovery, including filing all motions to compel discovery" the discovery deadline. (Discovery
9 and Scheduling Order, ¶ 7, ECF No. 30.) Discovery motions that are filed after the discovery
10 deadline will not be considered absent good cause. (Id.)

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion to compel discovery, filed May 22, 2020, is DENIED
13 WITHOUT PREJUDICE as procedurally deficient; and
- 14 2. Plaintiff may file a motion to compel within fourteen (14) days of the date of
15 service of this order.

16
17 IT IS SO ORDERED.

18 Dated: May 27, 2020


UNITED STATES MAGISTRATE JUDGE