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

LENIN GARCIA,)	Case No.: 1:18-cv-00014-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	TO SERVE ADDITIONAL REQUESTS FOR
)	ADMISSIONS, WITHOUT PREJUDICE
E. MORENO, et al.,)	
)	[ECF No. 38]
Defendants.)	
)	
)	

Plaintiff Lenin Garcia is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff paid the \$400.00 filing fee for this action.

Currently before the Court is Plaintiff’s request to serve additional requests for admissions, filed October 5, 2018. Defendants did not file an opposition.

On October 3, 2018, the Court granted Defendants’ request to stay the merit-based discovery and extended the time to respond to Plaintiff’s outstanding discovery requests until Defendants’ exhaustion-related motion for summary judgment is resolved.

On November 1, 2018, the undersigned issued Findings and Recommendations recommending that Defendants’ motion for summary judgment be denied, without prejudice. (ECF No. 39.)

In the present motion, Plaintiff seeks to serve additional requests for admissions. Plaintiff references the fact that on September 23, 2018, he served Defendants with his first twenty-five (25) requests for admissions, and he seeks to propound twenty-two (22) additional requests.

1 As set forth in Defendants' request to stay discovery, on September 23, 2018, Plaintiff served
2 on Defendants written discovery, including interrogatories, requests for production of documents, and
3 requests for admissions. (ECF No. 36.)

4 Because the Court has been stayed discovery until the pending exhaustion-related motion for
5 summary judgment is resolved, there is no basis to propound additional merits-based discovery, at this
6 time. In addition, Plaintiff is advised that to the extent he is propounding requests for admission there
7 is no restriction on the number of requests under Rule 36 of the Federal Rules of Civil Procedure.
8 However, Rule 33 of the Federal Rules of Civil Procedure limits the number of interrogatories to
9 twenty-five, unless leave of Court is requested and granted. Here, Plaintiff is not seeking to propound
10 interrogatories but rather admissions.

11 Accordingly, Plaintiff's request to serve additional requests for admissions is denied, without
12 prejudice. If the stay of discovery is lifted, and Plaintiff wishes to serve additional interrogatories
13 beyond the twenty-five limit, he may re-file a request at that time.

14
15 IT IS SO ORDERED.

16 Dated: November 6, 2018



UNITED STATES MAGISTRATE JUDGE