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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA

7 TRACYE BENARD WASHINGTON,

8 Plaintiff,

9 vs.

10 HICKS, et al.,

11 Defendants.

1:19-cv-00156-JLT-GSA-PC

**ORDER DENYING MOTION TO COMPEL  
DISCOVERY FROM DEFENDANT HICKS  
AS UNTIMELY**

**(ECF No. 104.)**

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14 Tracye Benard Washington (“Plaintiff”) is a state prisoner proceeding *pro se* with this  
15 civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff’s  
16 Complaint filed on February 5, 2019, against defendant Sergeant David Hicks for use of  
17 excessive force in violation of the Eighth Amendment. (ECF No. 1.)

18 On April 21, 2022, Plaintiff filed a motion to compel discovery from defendant Hicks.  
19 (ECF No. 104.) Plaintiff’s motion is untimely. The motion to compel was filed after the  
20 discovery deadline of April 10, 2022 had expired, and discovery has not been reopened.

21 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s motion to compel discovery  
22 from defendant Rocha, filed on April 25, 2022, is denied as untimely filed.

23 IT IS SO ORDERED.

24 Dated: September 14, 2022

25 /s/ Gary S. Austin  
26 UNITED STATES MAGISTRATE JUDGE  
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