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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 TRACYE BENARD WASHINGTON,

12 Plaintiff,

13 vs.

14 HICKS, et al.,

15 Defendants.
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1:19-cv-00156-JLT-GSA-PC

**ORDER DENYING MOTION TO COMPEL
DISCOVERY FROM DEFENDANT ROCHA**

(ECF No. 105.)

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

23 On April 25, 2022, Plaintiff filed a motion to compel discovery from defendant Rocha.
24 (ECF No. 105.) Plaintiff’s motion shall be denied for two reasons: 1- the motion to compel was
25 untimely filed because the discovery deadline of April 10, 2022 had expired, and discovery has
26 not been reopened; 2- on August 11, 2022, defendant Rocha’s motion for terminating discovery
27 sanctions was granted and defendant Rocha was dismissed from this action. Therefore, the Court
28 shall deny Plaintiff’s motion to compel discovery from defendant Rocha.

