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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,

Plaintiff,

No. CIV S-07-0514 GEB KJM P

vs.

CDCR, et al.,

Defendants.

ORDER

_____/

Plaintiff is a California prisoner proceeding pro se with an action seeking relief pursuant to 42 U.S.C. § 12132 and 29 U.S.C. § 794.

Plaintiff has moved for an order compelling production of “documents requested on October 15 and 16, 2008.” Docket No. 22 at 1. This court’s scheduling order provided that parties had until December 12, 2008 to conduct discovery and that all requests for discovery pursuant to Federal Rules of Civil Procedure 31, 33, 34 or 36 were to have been served no later than sixty days prior to that date. Docket No. 18 at 5. Accordingly, the deadline for service of discovery requests was October 13, 2008. Defendants oppose plaintiff’s motion to compel on the ground that it is untimely. Docket No. 23 at 2. In reply, plaintiff states that the dates indicated on the motion to compel are a result of typographical error and should read “October 10 and 11, 2008.” Docket No. 24 at 2.

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Accordingly, IT IS HEREBY ORDERED that:

1. Within twenty days, plaintiff shall file either a copy of his legal mail log or a copy of the proof of service to establish that the discovery requests at issue were timely made.
2. Within fifteen days from the date plaintiff submits the relevant documentation, defendants may file a response.

DATED: April 6, 2009.



U.S. MAGISTRATE JUDGE

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