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

RAUL MONTANO,

Plaintiff,

No. 2:07-cv-0800 KJN P

vs.

SOLOMON, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff seeks an extension of the discovery deadline in this action in order to respond to defendant’s recently propounded discovery. (Dkt. No. 42.) Plaintiff appears to state that on June 11, 2010, defendant served upon plaintiff a Request for Production of Documents and one set of fifty-three interrogatories. However, the discovery deadline expired on June 11, 2010.<sup>1</sup> (Dkt. No. 35, at 6.) When the court set this deadline, it stated:

The parties may conduct discovery until June 11, 2010. Any motions necessary to compel discovery shall be filed by that date. *All requests for discovery . . . shall be served not later than sixty (60) days prior to that date.*

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<sup>1</sup> By order filed June 11, 2010, the court extended the discovery deadline for a period of 21 days for the limited purpose of permitting plaintiff to clarify and resubmit his motion to compel. (Dkt. No. 40.) That extension of time has now expired (plaintiff did not pursue his motion) and is not pertinent to the instant matter.


1 (Id. (emphasis added).)

2           Before the court can determine whether an extension of the discovery deadline is  
3 warranted, it must determine the date on which defendant propounded his most recent discovery  
4 requests. If the discovery requests were untimely served, defendant must explain the reasons for  
5 the delay and the necessity of the discovery, including the excessive number of interrogatories  
6 (see Fed. R. Civ. P. 33(a)(1) (authorizing no more than 25 written interrogatories, including all  
7 discrete subparts)).

8           Accordingly, defendant shall file and serve, on or before July 16, 2010, a response  
9 to plaintiff's request for an extension of time to respond to defendant's discovery requests.  
10 Plaintiff may file and serve a reply within ten (10) days after service of defendant's response.

11           SO ORDERED.

12 DATED: July 7, 2010

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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