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

MARQUIS VERNARD WALKER,

Plaintiff,

No. CIV S-07-1323 WBS EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 15, 2009, plaintiff filed a motion to compel defendants James, Bates, French, Roche and Snyder to answer plaintiff’s discovery requests and to award plaintiff reasonable expenses in bringing the motion. Pl.’s Mot. to Compel (“Mot.”) at 3. First, plaintiff asserts that defendants failed to respond to his request for initial disclosures under Rule 26(a)(1) of the Federal Rules of Civil Procedure. As defendants point out, however, they were not obligated to respond to this discovery request because the initial disclosure requirements of Rule 26(a)(1) do not apply to actions brought by pro se prisoners. *See* Fed. R. Civ. P. 26(a)(1)(B)(iv); Defs.’ Opp’n to Mot. (“Opp’n”) at 1. Second, plaintiff asserts that defendants failed to respond to his requests for admissions. In their opposition, defendants admit that they failed to respond to plaintiff’s requests because they were attempting to obtain plaintiff’s medical records in order

1 to assist them in their responses. Opp'n at 2. Defendants' counsel informed plaintiff of the
2 anticipated delay in responding to the requests for admissions, and assumed, without confirming,
3 that plaintiff had no objections. *Id.*

4 Accordingly, it is hereby ORDERED that plaintiff's motion to compel is granted to the
5 extent that defendants must, within seven days, serve responses to plaintiff's requests for
6 admissions.¹ The court will not impose monetary sanctions at this time.

7 Dated: December 17, 2009.

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9 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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25 _____
26 ¹ The court notes that defendants may have already served their responses, as defendants
noted in their opposition brief that they would be able to serve their responses by November 23,
2009. Opp'n at 2.