I

1	
2	
3	
4	
5	
6	
7	IN THE UNITED STATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA
9	MAURICE C. CAMPBELL,
10	Plaintiff, No. CIV S-07-1419 WBS GGH P
11	VS.
12 13	CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,
14	/
15	Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. §
16	1983. Pending before the undersigned is plaintiff's June 30, 2009, motion for default judgment.
17	In this motion, plaintiff seeks to compel responses to requests for production of documents.
18	Accordingly, plaintiff's motion is construed as a motion to compel. For the following reasons,
19	this motion is denied.
20	Plaintiff alleges that on April 5, 2009, he served defendants with a request for
21	production of documents. A copy of the request for production of documents is attached to
22	defendants' opposition. The proof of service attached to the request is dated April 5, 2009.
23	Plaintiff alleges that on May 22, 2009, he received a response from defendants alleging that the
24	request was untimely.
25	Pursuant to the December 23, 2008, scheduling order, the parties were allowed to
26	conduct discovery until May 22, 2009. Any motions to compel were due by that date and all
	1

1	requests for production of documents were to be served not later than sixty days prior to that
2	date. Sixty days prior to May 22, 2009, is March 23, 2009.
3	Because plaintiff served his request for production of documents after the deadline
4	for serving written discovery, the request for production of documents was untimely. For that
5	reason, defendants were not obligated to respond to the request.
6	In the motion to compel, plaintiff argues that he could not serve a timely request
7	for production of documents because defendants were granted an extension of time from
8	February 2, 2009, to February 19, 2009, to serve responses to interrogatories. Plaintiff suggests
9	that he could not prepare his request for production of documents until he received the responses
10	to interrogatories.
11	Plaintiff had sufficient time to prepare his request for production of documents.
12	That defendants were granted an extension of time to answer interrogatories does not excuse the
13	untimely request for production of documents.
14	Accordingly, IT IS HEREBY ORDERED that plaintiff's June 30, 2009, motion
15	for default judgment (no. 24), construed as a motion to compel, is denied.
16	DATED: December 16, 2009
17	
18	/s/ Gregory G. Hollows
19	GREGORY G. HOLLOWS
20	UNITED STATES MAGISTRATE JUDGE
21	camp1419.com
22	
23	
24	
25	
26	
	2