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

ROBERT DUANE FRANKLIN,

Plaintiff,

No. 2: 07-cv-2259 FCD KJN P

vs.

G. DUDLEY,

Defendant.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to compel filed June 15, 2010. (Dkt. No. 58.) On July 7, 2010, defendants filed an opposition.¹ (Dkt. No. 64.) On July 20, 2010, plaintiff filed a reply. (Dkt. No. 66.) For the following reasons, plaintiff’s motion is denied.

The motion to compel is not clear as to what discovery responses are at issue. In the opposition, defendant reasonably construes the motion as addressing two sets of interrogatories although, apparently in an abundance of caution, she attaches copies of her responses to requests for admissions and a request for production of documents. In his motion to

¹ Pursuant to the December 30, 2009 discovery and scheduling order, Local Rule 251 is not applicable.

1 stay proceedings, filed in response to defendant's summary judgment motion filed July 30, 2010,
2 plaintiff states that defendant's responses to his request for production of documents and request
3 for admissions are at issue.

4 Plaintiff first contends that defendant did not respond to his first set of
5 interrogatories. In the opposition, defense counsel states that he has no record of receiving a first
6 set of interrogatories from plaintiff. For that reason, defendant did not respond to the first set of
7 interrogatories. Defense counsel states that defendant's responses to the first set have now been
8 served. Good cause appearing, the motion to compel as to the first set of interrogatories is
9 deemed resolved and denied.

10 At issue are defendant's response to plaintiff's request for admissions, which
11 included 9 requests. Also at issue are defendant's response to plaintiff's request for production
12 of documents, which included 22 requests. Finally, at issue are defendant's responses to
13 plaintiff's second set of interrogatories, which included 13 interrogatories.

14 The motion to compel does not specifically address any of the 44 at issue
15 discovery requests. Rather, plaintiff generally argues that defendant's objections have no merit,
16 although he does not address any of defendant's substantive responses. In essence, plaintiff is
17 asking the undersigned to review defendant's responses to determine whether they are adequate.
18 The undersigned has neither the time nor the resources to act as plaintiff's attorney. Accordingly,
19 the motion to compel as to the second set of interrogatories, request for production of documents
20 and request for admissions is denied without prejudice on the grounds that it is not well
21 supported.

22 As discussed above, on July 30, 2010, defendant filed a summary judgment
23 motion. On August 11, 2010, plaintiff filed a motion to "stay" defendant's motion pending
24 resolution of his motion to compel. On August 12, 2010, plaintiff filed a motion for extension of
25 time to oppose defendant's motion.

26 The motion to stay is denied as unnecessary as plaintiff's motion to compel is

1 addressed in the instant order. Plaintiff's motion for extension of time is granted.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's motion to compel (Dkt. No. 58) is denied;

4 2. Plaintiff's motion to stay (Dkt. No. No. 70) is denied;

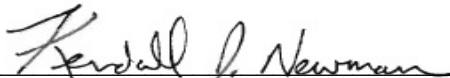
5 3. Plaintiff's motion for extension of time (Dkt. No. 71) is granted; plaintiff's
6 opposition to defendant's summary judgment motion is due within twenty-eight days of the date
7 of this order.

8 DATED: August 31, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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