IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN RODGERS,

Plaintiff, No. CIV S-07-2269 WBS DAD P

vs.

JAMES E. TILTON, et al.,

Defendants. ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On October 25, 2010, plaintiff filed a motion to compel discovery responses. On November 3, 2010, defendants filed a request for a nunc pro tunc extension of time to respond to the same discovery requests which are the subject of plaintiff's motion to compel. Under these circumstances, the court will deny plaintiff's motion to compel without prejudice and grant defendants twenty-one days to respond to plaintiff's discovery requests.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff's October 25, 2010 motion to compel (Doc. No. 54) is denied without prejudice;

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2. Defendants' November 3, 2010 motion for a nunc pro tunc extension of time (Doc. No. 55) is granted; and

3. Within twenty-one days of the date of this order, defendants shall respond to plaintiff's discovery requests.

DATED: November 8, 2010.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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