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

10 LEVON D. GRAHAM,

11 Plaintiff,

No. CIV S-07-2291 LKK GGH P

12 vs.

13 D.L. RUNNELS, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a prisoner proceeding pro se, has filed a motion to reconsider a discovery order  
17 issued by Magistrate Judge Hollows. In this case, plaintiff alleges that defendants used excessive  
18 force in violation of the Eighth Amendment during a cell extraction. Plaintiff seeks  
19 reconsideration of the Magistrate Judge's denial of his motion to extend the discovery deadlines.  
20 Dkt. No. 31. The standard for motions to reconsider is that orders shall be upheld unless "clearly  
21 erroneous or contrary to law." E.D. Cal. Local Rule 303(f).

22 Based upon the record available in this case, the court cannot determine if the discovery  
23 order at issue was clearly erroneous. Nonetheless, because (1) plaintiff has indicated that  
24 defendants have not produced any documents or other materials in response to his discovery  
25 requests and (2) defendants have indicated that they have in their possession responsive  
26 documents and other materials, the court grants plaintiff's motion in part. The court finds that


1 allowing plaintiff discovery so that he is able to try his case serves the interests of justice and  
2 judicial economy.

3 For the foregoing reasons, the court orders as follows:

- 4 (1) Plaintiff's interrogatories and requests for production shall be propounded to  
5 defendants within ninety (90) days of the issuance of this order;
- 6 (2) Defendants shall respond to plaintiff's requests within forty-five (45) days of their  
7 receipt of such requests; and
- 8 (3) The Magistrate Judge shall amend the scheduling order in this case as necessary to  
9 reflect these discovery modifications.

10 IT IS SO ORDERED.

11 DATED: May 3, 2010.

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14 LAWRENCE K. KARLTON  
15 SENIOR JUDGE  
16 UNITED STATES DISTRICT COURT  
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