

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT MITCHELL,

Plaintiff,

v.

T. FELKER, et al.,

Defendants.

CASE NO. C08-1196RAJ

ORDER ON DISCOVERY
MOTIONS

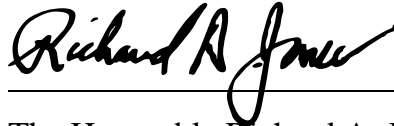
This matter comes before the court on two discovery-related motions from Plaintiff Robert Mitchell. The first is a motion (Dkt. # 22) to compel discovery responses based solely on Plaintiff’s allegation that he had received no responses from Defendants to his discovery requests. The second is a motion (Dkt. # 23) to modify the court’s scheduling order to permit additional time for the discovery process.

The court denies the first motion because it is moot. Defendants have submitted unchallenged evidence that they provided discovery responses. The court need not determine at this time why the responses did not arrive sooner. The court notes that Plaintiff has filed a separate motion to compel and for other sanctions related to the substance (or lack thereof) of Defendants’ discovery responses. That motion is not yet ripe for consideration, and nothing in this order should be read as resolving any issue raised in that motion.

ORDER – 1

1 The court denies the second motion solely because the court finds it premature at
2 this time. The court assures Plaintiff that he will be given a fair opportunity to complete
3 discovery, and that should the court determine that Defendants have withheld discovery
4 or intentionally delayed discovery, the court will take appropriate action, including
5 extending the discovery deadline. At this time, the court prefers to encourage all parties
6 to complete discovery before the March 31, 2010 deadline.

7 DATED this 1st day of March, 2010.

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11 The Honorable Richard A. Jones
12 United States District Judge
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