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

LACEDRIC W. JOHNSON,

Plaintiff,

No. 2:08-cv-1609 KJM KJN P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____ /

Plaintiff’s motion to compel further responses to discovery is before the court. Defendants filed an opposition, and plaintiff did not file a reply. As set forth below, plaintiff’s motion to compel is denied.

In his motion, plaintiff contends that the documents provided by defendants in response to plaintiff’s request for production of documents were “unreadable,” that answers to requests for admissions and interrogatories were “evasive,” and included “false denials,” and that defendants failed to produce documents known or available to them. Plaintiff refers to an affidavit attached to a request for extension. (Dkt. No. 148 at 1.) In his affidavit, plaintiff states that defendants “failed to respond to discovery requests,” and that defendants noticed his deposition for January 31, 2013. (Dkt. No. 147 at 2.) Plaintiff is housed in segregation, and claims that four of his five boxes of legal materials were disposed of by Pleasant Valley State

1 Prison custody staff. (Dkt. No. 147 at 2.) Plaintiff states he would seek to confer with opposing
2 counsel to replace discovery documents. (Id.)

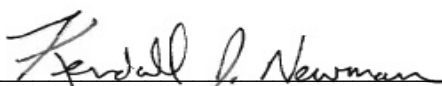
3 Defendants contend that plaintiff's motion fails to identify a particular discovery
4 request to which defendants did not adequately respond, or offer facts on which to base an order
5 to compel further response. Defendants contend their discovery responses were adequate, and
6 that they produced all responsive items in their possession, custody, or control in response to
7 plaintiff's request for production of documents. Defendants state that they subsequently
8 produced more legible copies of all discovery responses given in this matter. (Dkt. Nos. 156 at
9 3; 156-1 at 2.)

10 Plaintiff has not responded to defendants' objections.

11 Defendants' objections are well taken. The Local Rules require parties to file the
12 request and response that are at issue in connection with a motion to compel discovery. (L.R.
13 250.2, 250.3, & 250.4.) Plaintiff did not do so. Moreover, plaintiff did not identify the specific
14 request or interrogatory that he challenges, and without copies of the discovery requests and
15 responses, as well as plaintiff's specific arguments directed to each request he challenges as
16 insufficient, the court is unable to determine whether the response was sufficient. Plaintiff's
17 general claims that the responses are "evasive," or include "false denials," are too vague without
18 specific factual references. Finally, it appears that counsel for defendants provided plaintiff with
19 a copy of all discovery responded to by the defendants in this action. (Dkt. No. 156-4 at 2.)

20 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel
21 discovery (dkt. no. 148) is denied without prejudice.

22 DATED: April 12, 2013

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24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE