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

LACEDRIC JOHNSON,

Plaintiff,

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

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel. On January 3, 2011, plaintiff filed a motion to compel discovery. Plaintiff states he served a discovery request dated October 27, 2010, to which defendants have failed to respond and for which they have made requests for extensions of time.

Plaintiff is advised that if disputes arise about the parties' obligations to respond to requests for discovery, the parties are required to comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure, and Rules 134, 135, 130, 131, 110, 142, and 230(l) of the Local Rules of Practice for the United States District Court, Eastern District of California. The parties are required to provide a copy of the discovery request at issue. Plaintiff's motion does not provide a copy of the discovery request at issue. In addition, plaintiff notes defendants have sought extensions of time. A discovery dispute is not ripe for

1 court review until the time for response has passed and the responding party has failed to comply
2 within the extended time ordered by the court, or the receiving party has an objection to a
3 response provided. Here, the record reflects that on January 4, 2011, defendant Cate was granted
4 an extension of time to respond to discovery requests until February 7, 2011. It appears that
5 other discovery responses were not due until January 8, 2011 (dkt. no. 64), after plaintiff filed the
6 instant request. It appears that plaintiff's motion is premature. Therefore, the motion to compel
7 is denied without prejudice.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 3, 2011 motion
9 to compel discovery (dkt. no. 66) is denied without prejudice.

10 DATED: January 12, 2011

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13 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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