IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRED WAYNE GILBERT, No. CIV S-09-0209-CMK-P

Plaintiff,

vs. ORDER

SUSAN HUBBARD, et al.,

Defendants.

_____/

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion to compel (Doc. 53).[1] Plaintiff seeks an order compelling further responses to discovery requests he served on defendants. Plaintiff does not, however, identify which specific discovery responses provided by defendants are inadequate or why. Therefore, it is impossible for the court to evaluate plaintiff's motion.

[1] Plaintiff's motion was filed on February 25, 2010. Pursuant to the court's November 23, 2009, scheduling order, discovery was to be complete by March 22, 2010, and any motions to compel were due within 60 days of this cut-off date. Because plaintiff's motion was filed even before the discovery cut-off date, it is timely. Defendants do not argue otherwise. Therefore, plaintiff's motion for an extension of time nunc pro tunc (Doc. 55) is unnecessary and will be denied as such.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for an extension of time (Doc. 55) is denied as unnecessary; and

2. Plaintiff's motion to compel (Doc. 53) is denied.

DATED: June 30, 2010

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE