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

RICHARD GREENE,

Plaintiff,

No. 2:09-cv-0793 JFM (PC)

vs.

JAMES TILTON, et al.,

Defendants.

ORDER AND MODIFIED DISCOVERY

AND SCHEDULING ORDER

On January 13, 2010, plaintiff filed a motion to compel discovery, order sanctions, and grant an extension of time to complete discovery. On January 14, 2010, defendants filed an opposition.

Plaintiff asserts that on November 9, 2009, he served upon defendants a Request for Admissions. He also asserts that on November 16, 2009, he served upon defendants a Request for Production of Documents. Plaintiff claims he was entitled to a response to each request within 30 days of service per the Federal Rules of Civil Procedure and that he has not received a response to either set of requests. He seeks to compel defendants to respond. Plaintiff also seeks sanctions against defendants for their alleged wilful failure to respond to his requests and further seeks an extension of time to complete discovery, as he claims he has been awaiting defendants' responses in order to subsequently serve interrogatories.

1 In their opposition, defendants declare they received the November 9, 2009
2 Request for Admission, to which they responded on December 14, 2009, within 45 days of
3 service¹. They have attached to their opposition their responses along with proof of service.
4 Defendants, however, assert they did not receive a Request for Production of Documents.

5 Upon review, the court does not find sanctions appropriate in this matter. Based
6 thereon, IT IS HEREBY ORDERED:

7 1. Plaintiff's motion to compel is denied without prejudice;
8 2. Plaintiff's motion for sanctions is denied without prejudice; and
9 3. Plaintiff's motion for an extension of time to complete discovery is
10 granted. Plaintiff shall be cognizant of the time within which responses are due, and shall serve
11 his requests and interrogatories in accordance therewith. No further extensions of time will be
12 granted.

13 a. The parties may conduct discovery until March 29, 2010. Any
14 motions necessary to compel discovery shall be filed by that date. All requests for discovery
15 pursuant to Fed. R. Civ. P. 31, 33, 34 or 36 shall be served not later than sixty days prior to that
16 date.

17 b. All pretrial motions, except motions to compel discovery, shall be
18 filed on or before June 28, 2010. Unless otherwise ordered, all motions to dismiss, motions for
19 summary judgment, motions concerning discovery, motions pursuant to Rules 7, 11, 12, 15, 41,
20 55, 56, 59 and 60 of the Federal Rules of Civil Procedure, and motions pursuant to Local Rule
21 11-110 shall be briefed pursuant to Local Rule 78-230(m). Failure to oppose such a motion
22 timely may be deemed a waiver of opposition to the motion. Opposition to all other motions
23 need be filed only as directed by the court.

24
25 ¹Plaintiff is referred to this court's October 14, 2009 discovery and scheduling order, in
26 which the parties are ordered to respond to written discovery requests within forty-five (45) days
of service, not thirty (30) days of service.

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c. Pretrial conference and trial dates will be set, as appropriate,
following adjudication of any dispositive motion, or the expiration of time for filing such a
motion.

DATED: February 1, 2010.


UNITED STATES MAGISTRATE JUDGE

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