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

JOSE DEJESUS RODRIGUEZ

Plaintiff,

No. 2:09-cv-02195 KJN

vs.

JEFFERY SIMMONS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a pro se litigant, or in other words proceeding without counsel, has filed a letter which addresses this court’s prior order admonishing him not to file general discovery documents with the court. (Dkt. No. 68.) In his letter, plaintiff states, among other things, that defendants’ attorney is trying to deceive him and is “refusing to participate in discovery.” More specifically, plaintiff alleges the following discovery grievances: (1) that defendants have not provided complete responses to Plaintiff’s First Request for Production and Initial Disclosures re Documents and Other Recorded Tangible Evidence; and (2) that defendants have not acknowledged plaintiff’s production of records and tangible evidence.¹

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¹ The basis for plaintiff’s obligation to produce is unclear from plaintiff’s filing, whether it arose from plaintiff’s initial disclosure obligations or defendants’ discovery request. Plaintiff refers to a letter from defendants’ counsel dated October 21, 2010, although such letter was not attached to plaintiff’s filing.


1 To the extent that plaintiff's filing could be construed as a motion to compel, this
2 motion is denied for failure to comply with the Federal Rules of Civil Procedure and the Local
3 Rules. Pro se litigants are bound by the rules of procedure, even though pleadings are liberally
4 construed in their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987).

5 This denial, however, is without prejudice so that plaintiff may refile, if necessary,
6 a properly noticed motion to compel. As mandated by Local Rule 251, the parties must meet and
7 confer, preferably in person or via telephone, prior to the filing of any motion to compel. If that
8 meet and confer is unsuccessful, the moving party shall draft and file a document entitled Joint
9 Statement re Discovery Disagreement, and all parties shall assist in the preparation of that joint
10 statement. Local Rule 251(c). Additionally, if all other Federal Rules of Civil Procedure and
11 Local Rules are complied with, plaintiff must contact the undersigned's courtroom deputy clerk
12 to set that particular dispute on the court's calendar prior to filing any joint statement.

13 Despite the pro se nature of this case, the court still requires the parties to timely
14 and productively meet and confer. The court expects and encourages the parties to work together
15 so as to avoid any unnecessary discovery disputes.

16 **IT IS SO ORDERED.**

17 DATED: November 4, 2010

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE
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