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

MARCUS L. HUDSON,

Plaintiff,

No. CIV S -09-2328 KJM P

vs.

ANDREW NANGALAMA, et al,

Defendants.

ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. He has filed a motion to compel discovery and objections to the answer.

I. Motion To Compel

Plaintiff asks that the court compel defendant Bal to respond to his request for production of documents and defendant Nangalama to respond to his request for production of documents and first set of interrogatories. Plaintiff alleges that he sent the discovery requests on July 26, 2010. However, under the provisions of this court’s discovery order, a party has forty-five days from the service of the request in which to provide responses. Docket No. 14 ¶ 2. This motion, filed August 12, 2010, is premature.

II. Objections To The Answer

Plaintiff asks that the defendants be sanctioned for their failure timely to respond to the complaint. The court’s records show that waivers of service were sent to the defendants

1 on March 10, 2010. Under Rule 4(d)(3), their answer was due within sixty days thereafter. In
2 this case, because the sixtieth day, May 9, 2010, fell on a Sunday, the answer was due May 10,
3 2010. The answer was filed June 13, 2010. Although it was not timely, plaintiff has not argued
4 or shown he was prejudiced by the late filing of the answer.

5 IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion to compel (docket no. 17) is denied without prejudice; and
- 7 2. Plaintiff's objections to the answer (docket no. 16) are overruled.

8 DATED: August 31, 2010.

9 
10 U.S. MAGISTRATE JUDGE

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