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

DEANGELO CLAY,

Plaintiff,

No. 2:09-cv-2899 KJM CKD P

vs.

J. WALKER, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983 against multiple defendants. This matter is set for a settlement conference on July 11, 2012. (Dkt. No. 72.) Pending before the court is plaintiff's June 7, 2012 motion to compel discovery, seeking an order directing defendants to produce various documents and evidence to plaintiff before June 26, 2012. (Dkt. No. 76.)

Pursuant to the discovery and scheduling order of October 12, 2011:

The parties may conduct discovery until February 3, 2012. Any motions necessary to compel discovery shall be filed by that date. All requests for discovery pursuant to Fed. R. Civ. P. 31, 33, 34, or 36 shall be served not later than sixty days prior to that date.

(Dkt. No. 36 at 6.) Plaintiff's motion to compel discovery was constructively filed on May 31, 2012, nearly four months after the February 3, 2012 deadline.

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Accordingly, IT IS HEREBY ORDERED THAT plaintiff's June 7, 2012 motion to compel discovery (Dkt. No. 76) is denied for untimeliness.

Dated: June 25, 2012

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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