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

ANTHONY WILLIAMS,

Plaintiff,

No. 2: 09-cv-3160 KJN P

vs.

SULLIVAN, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel, with a civil rights complaint pursuant to 42 U.S.C. § 1983. On July 21, 2011, defendant Sullivan filed a motion to compel. Plaintiff failed to file an opposition. Accordingly, on September 2, 2011 plaintiff was ordered to show cause within twenty-one days for his failure to file an opposition. That time has passed and plaintiff did not respond to the show cause order.

In the motion to compel, defendant claims that plaintiff failed to provide responses to defendant’s first set of interrogatories (nos. 10-10) propounded on April 12, 2011. The undersigned observes that several of defendant’s interrogatories are contention interrogatories. “Contention interrogatories, directed to a pro se litigant, are rarely appropriate[.]” Nielsen v. Society of New York Hosp., 1988 WL 100197 at * 2 (S.D.N.Y. 1988); see also Pobursky v. Madera County, 2009 WL 1582847 at * 2 (E.D. Cal. 2009) (“The Court also

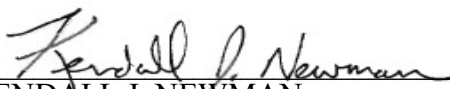
1 noted, and the long, tortured history of discovery in this action demonstrates, the futility of
2 contention interrogatories, *especially* in actions involving pro se plaintiffs). Because plaintiff
3 failed to respond to the interrogatories, the motion to compel and the order to show cause, the
4 undersigned finds that plaintiff has waived any objection to the contention interrogatories.

5 The court deems plaintiff's failure to respond to the order to show cause to be a
6 waiver of opposition.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendant's motion to compel (Dkt. No. 36) is granted;
- 9 2. Within twenty-one days of the date of this order, plaintiff shall serve defendant
10 with responses to interrogatories nos. 1-10 without any objections.

11 DATED: September 30, 2011

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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