

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

KEVIN JACKSON,

Plaintiff, No. 2:09-cv-3234 KJN P

VS.

TESSIE RALLOS, M.D., et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding through counsel. On February 25, 2011, defendants filed a motion to compel further responses to requests for production of and noticed the motion for hearing on March 31, 2011 before the undersigned. By November 5, 2010, the parties were informed that they must comply with Local Rule 251 shall not apply unless otherwise ordered by the court. (Dkt. No. 144) Pursuant to Local Rule 230(l), oppositions to motions shall be filed not more than 180 days after the date of service of the motion. Plaintiff's opposition was due on or 18, 2011. That date has now passed, and plaintiff has failed to file an opposition or respond to the motion, despite defense counsel's efforts to obtain plaintiff's counsel's participation in the meet and confer process.

Local Rule 230(l) provides, in pertinent part, that

1 Failure of the responding party to file an opposition or to file a
2 statement of no opposition may be deemed a waiver of any
3 opposition to the granting of the motion and may result in the
4 imposition of sanctions.

5 Id.

6 The court has reviewed defendants' motion and finds it well-taken. The
7 requesting party

8 is entitled to individualized, complete responses to each of the
9 requests, as numbered and identified in the requests, accompanied
10 by production of each of the documents responsive to the request,
11 regardless of whether the documents have already been produced.

12 Louen v. Twedt, 236 F.R.D. 502 (E.D. Cal. 2006). Defendants' motion to compel is granted, and
13 the court will vacate the March 31, 2011 hearing. Plaintiff is cautioned that failure to timely
14 comply with this order, or to cooperate in the discovery process, may result in the imposition of
15 sanctions, including a recommendation that this action be dismissed. Fed. R. Civ. P. 11.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Defendants' motion to compel further responses to the requests for production
18 of documents (dkt. no. 25) is granted. Within twenty-one days from the date of this order,
19 plaintiff shall provide individualized, complete responses to each of the requests, as numbered
20 and identified in the requests, and accompanied by production of each of the documents
21 identified as responsive to the request. Plaintiff is cautioned that failure to comply with this
22 order may result in the imposition of sanctions.

23 2. The March 31, 2011 hearing is vacated.

24 DATED: March 24, 2011

25 
26 KENDALL J. NEWMAN
27 UNITED STATES MAGISTRATE JUDGE

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