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

MICHAEL HUNT,

Plaintiff,

No. CIV S-09-3525 FCD GGH P

vs.

D. FIELDS, Correctional Officer,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. On September 1, 2010, the district court adopted a discovery and scheduling order in this action providing that the parties may conduct discovery until October 29, 2010. The order further provided that 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. Pending before the court is plaintiff’s motion for leave to file additional interrogatories, filed on October 1, 2010.

Plaintiff seeks to serve twelve additional interrogatory requests on defendant Fields for the purpose of determining the existence of evidence “concerning the elements of retaliatory motive and . . . chilling effect in Plaintiff’s retaliation suit against Defendant Fields.” Plaintiff states these two elements “may be the only disputes between the parties” and suggests that the additional interrogatories are narrowly tailored to those disputed issues. Plaintiff states

1 that he has already prepared the twelve additional interrogatories, should the court wish to review  
2 them, but does not submit them with his motion.

3 Rule 33 of the Federal Rules of Civil Procedure provides that, unless otherwise  
4 stipulated or ordered by the court, a party may serve on any other party no more than 25  
5 interrogatories. However, leave to serve additional interrogatories may be granted to the extent  
6 consistent with Rule 26(b)(2). Here, the undersigned finds that plaintiff's request to serve an  
7 additional twelve interrogatories on defendant Fields appears to have a legitimate and reasonable  
8 purpose, and that the court's grant of such request would not unduly burden defendant Fields.

9 Accordingly, it is hereby ORDERED that plaintiff's motion for leave to file  
10 additional interrogatories (Doc. # 19) is GRANTED. Within fourteen days of this order, plaintiff  
11 is to serve twelve additional interrogatories on defendant Fields. Pursuant to the Discovery and  
12 Scheduling Order, responses to written discovery requests shall be due forty-five days after the  
13 request is served.

14 DATED: October 20, 2010

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16 /s/ Gregory G. Hollows

17 UNITED STATES MAGISTRATE JUDGE

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