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

DEAVON E. TORRENCE,

Plaintiff,

No. 2:10-cv-1222 KJM KJN P

vs.

F. HSEUH, et al.,

Defendants.

ORDER

_____ /

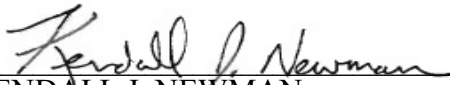
Plaintiff is a state prisoner proceeding without counsel. On June 13, 2012, plaintiff filed a motion to compel discovery. (Dkt. No. 78.) Plaintiff seeks production of the Institutional Security Unit (“ISU”) Interrogation/Interview of plaintiff which occurred in the California Medical Facility emergency room on March 12, 2008. Plaintiff states he submitted written requests pursuant to Rule 34 of the Federal Rules of Civil Procedure between the months of March through June of 2011, but had not yet received a copy of the ISU report, and plaintiff found no copy of the ISU report in his central file. Plaintiff did not provide a copy of the specific discovery request at issue.

Defendants oppose plaintiff’s motion as untimely-filed, and argue that without production of the specific discovery request or requests at issue, neither defendants nor the court can determine whether relief is appropriate.

1 Defendants' arguments are well taken. By order filed November 17, 2011, the
2 scheduling order was modified, and the discovery deadline was extended to March 19, 2012.
3 (Dkt. No. 67.) The parties were informed that all motions necessary to compel discovery were to
4 be filed by March 19, 2012. Under the mailbox rule, plaintiff's motion to compel was presented
5 to prison officials for mailing on June 3, 2012. See Houston v. Lack, 487 U.S. 266, 275-76
6 (1988) (pro se prisoner filing is dated from the date prisoner delivers it to prison authorities).
7 Thus, plaintiff's motion is untimely, as all motions to compel were to be filed by March 19,
8 2012.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's June 13, 2012 motion to
10 compel discovery (dkt. no. 78) is denied.

11 DATED: July 2, 2012

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14 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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