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

BRIAN DARNELL EDWARDS,

Plaintiff,

No. 2:10-cv-1264 MCE JFM (PC)

vs.

HIGH DESERT STATE PRISON,
et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Several matters are pending before the court.

On May 29, 2012, plaintiff filed a motion for a ninety day extension of time to conduct discovery in this action. In support of his motion, plaintiff contends that he will require additional discovery from defendants, who have received extensions of time to respond to the first sets of discovery propounded by plaintiff. On May 31, 2012, defendants filed a document styled as a statement of non-opposition to plaintiff's motion. Therein, defendants represent that while they do not oppose a reasonable extension of the discovery deadline they do not believe an additional period of ninety days is required to complete discovery. Defendants also request an extension of time to file dispositive motions.

Pursuant to the discovery and scheduling order filed in this action on February 23, 2012, discovery was to be completed by June 8, 2012. Plaintiff timely filed three motions to compel, which will be resolved by this order. Although he asserts generally that he will need to propound additional discovery after receiving defendants' responses to his first round of

1 discovery, he does not otherwise identify what additional discovery he requires to prosecute this
2 action. For that reason, plaintiff's motion to extend the discovery cutoff will be denied. Since
3 the request to extend discovery will be denied, defendants' request to extend the time for filing
4 dispositive motions will also be denied.

5 On June 8, 2012, plaintiff filed three motions to compel discovery. By the first
6 motion, which is dated May 29, 2012, plaintiff seeks to compel defendant D. Simpson to serve
7 responses to interrogatories served by plaintiff on February 28, 2012. Plaintiff also seeks
8 expenses in the amount of one thousand dollars (\$1,000.00). Defendant Simpson opposes the
9 motion on the ground that he sought and received an extension of time to serve responses to
10 these interrogatories. Defendant served the responses on plaintiff on May 31, 2012. Plaintiff's
11 motion is moot and will therefore be denied, as will his request for expenses of the motion.

12 By the second motion, plaintiff seeks to compel defendant D. Simpson to serve
13 responses to plaintiff's request for admissions. Plaintiff also seeks expenses in the amount of
14 one thousand dollars (\$1,000.00). Defendant Simpson opposes the motion on the ground that he
15 sought and received an extension of time to serve responses to the request for admissions.
16 Defendant served the responses on plaintiff on May 31, 2012. Plaintiff's motion is moot and will
17 therefore be denied, as will his request for expenses of the motion.

18 By the third motion, plaintiff seeks to compel additional responses to certain
19 requests for production of documents served on defendants McDonald, Williams, Davis and
20 Simpson. Specifically, as to each of the four defendants, plaintiff seeks to compel an additional
21 response to his request for production of "any and all documentation, policies, procedures, per
22 H.D.S.P. supplement to the D.O.M. for law library and copying." All defendants responded that
23 they had no documents responsive to this request in their possession, custody, or control.
24 Defendants cannot be required to produce documents they do not have. No further response to
25 this request will be required.

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1 Plaintiff also seeks to compel a further response to his request to defendant
2 McDonald to produce “documents, policies or procedures for when there is no LTA and law
3 library needs to be ran [sic].” Defendant McDonald responded that she has documents
4 responsive to this request in her possession, custody, or control. Defendant McDonald is not
5 required to produce documents she does not have. No further response to this request will be
6 required.

7 Finally, plaintiff seeks to compel further responses from defendants Williams,
8 Davis, and Simpson to his request that each of them produce against documents or appeals filed
9 against them “concerning access to law library, legal copys [sic] and PLU status and legal
10 material.” Defendants raised several objections to the request. In particular, they represented
11 that they do not have possession of any inmate grievance other than plaintiff’s appeals that were
12 attached to his third amended complaint and that inmate grievances are maintained in inmates’
13 central files, not in staff personnel files. Defendants also object that searching for responsive
14 documents in individual central files would be unduly burdensome. The objections are well-
15 taken. No further responses will be required.

16 For all of the foregoing reasons, plaintiff’s third motion to compel will be denied,
17 as will his request for expenses of the motion.

18 Finally, on July 9, 2012, plaintiff filed a motion, dated July 1, 2012, for an order
19 requiring prison staff to give him access to legal research material in his personal property.
20 Appended to the motion are requests sent to prison staff on June 14, 2012, June 18, 2012, and
21 June 30, 2012. The motion at bar was prepared approximately two weeks after the first request
22 was sent to prison staff. It is not clear whether plaintiff has received any response to any of the
23 three requests, and it does appear that he has not allowed sufficient time for a response before
24 filing the instant motion. For that reason, the motion will be denied without prejudice.

25 In accordance with the above, IT IS HEREBY ORDERED that:

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