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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD STELLMACHER,
Plaintiff,
v.
ROBERTO M. GUERRERO et al.,
Defendants.

No. 2:10-cv-01357-JAM-CKD
ORDER
(ECF No. 99)

Presently pending before the court is plaintiff’s motion to compel responses to requests for production. (ECF No. 99). Defendant has filed an opposition, and plaintiff a reply. (ECF Nos. 105, 107.)

Plaintiff seeks to compel responses due to defendant’s complete failure to respond to discovery. (See ECF No. 99.) However, on February 18, 2020—the same date plaintiff filed the present motion to compel—defendant mailed responses and documents to plaintiff, which were received on February 20. (See ECF No. 105.)¹

Because defendant has responded to discovery, although the documents were received two days later than the date plaintiff set, the present motion to compel is moot, and is therefore

¹ The court notes that plaintiff was in possession of defendant’s discovery responses on February 26, 2020 but failed to inform the court that responses were received in his supplemental declaration filed on that date.

1 DENIED. While plaintiff raises deficiencies with some of defendant's individual responses in his
2 reply (ECF No. 107), it is unclear which specific responses he is challenging. Additionally,
3 defendant—proceeding pro se—is not afforded the proper opportunity to respond to plaintiff's
4 arguments raised for the first time in his reply.

5 Accordingly, the court DENIES plaintiff's motion to compel (ECF No. 99) without
6 prejudice of raising objections to individual responses that plaintiff deems improper.

7 Dated: April 14, 2020



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9 CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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