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

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:10-cv-02591 MCE KJN PS

v.

JAMES O. MOLEN et al.,

Defendants.

ORDER

Defendant James Molen (“defendant”) is proceeding without counsel in this action.<sup>1</sup> On December 26, 2012, defendant filed a document styled as a “Notice of Stipulation Request For Meet And Confer Plan For Discovery.” (Dkt. No. 125.) On January 9, 2013, defendant filed a document styled as a “Joint Disagreement Notice Of Meet And Confer Plan For Discovery.” (Dkt. No. 126.)

While the purpose of these filings is unclear, the documents appear to raise issues pertaining to discovery in this case. To the extent the filings were intended as motions to compel discovery, however, they are denied.

First, the filings fail to comply with the rules governing discovery motions.

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<sup>1</sup> This action was referred to the undersigned pursuant to Eastern District Local Rule 302(c)(21). (See Dkt. No. 11.)

1 Previously, defendant has completed several filings styled as “Motions to Compel” (e.g., Dkt.  
2 Nos. 48-49), which were denied without prejudice to refiling based upon defendant’s non-  
3 compliance with the rules governing discovery motions. (Orders, Dkt. Nos. 65, 124 (informing  
4 defendant that future failures to comply with such rules would result in motions being summarily  
5 denied).) These most recent filings suffer from the same deficiencies described in the  
6 undersigned’s prior orders, and are therefore summarily denied.

7           Second, and more crucially, discovery motions are no longer permissible in this  
8 action given that the deadlines for conducting discovery and for filing discovery motions have  
9 passed. (See Orders, Dkt. Nos. 76, 122 (“All discovery shall be completed by October 4,  
10 2012”).) The discovery period in this case is closed. To the extent defendant’s filings were  
11 intended as motions to compel discovery, then, such motions are untimely.<sup>2</sup>

12           Accordingly, the undersigned construes defendant’s filings at Docket Numbers  
13 125 and 126 as motions to compel discovery and denies the motions. As defendant has been  
14 informed numerous times in this case, even though he is proceeding without counsel he is  
15 obligated to familiarize himself with the Federal Rules of Civil Procedure and Eastern District of  
16 California Local Rules. Pro se litigants are afforded a degree of leniency with respect to their  
17 pleadings, but they are nonetheless required to comply with the rules of litigation procedure.  
18 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987). As he has been advised previously (e.g.,  
19 Orders, Dkt. Nos. 65, 124), defendant’s failures to comply with the rules of litigation procedure  
20 may subject him to sanctions, and improperly-filed motions may be summarily denied.<sup>3</sup>

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22           <sup>2</sup> No party has sought modification of the discovery period set out in the Scheduling Order  
23 (Dkt. No. 76), which was left unchanged when the assigned district judge amended the Scheduling  
Order (Dkt. No. 122).

24           <sup>3</sup> Local Rule 183, governing persons appearing in pro se, provides that failure to comply with  
25 the Federal Rules of Civil Procedure and Local Rules may be ground for dismissal, judgment by  
26 default, or other appropriate sanction. Local Rule 110 provides that failure to comply with the Local  
Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or  
Rule or within the inherent power of the Court.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

1 For the foregoing reasons, IT IS HEREBY ORDERED THAT defendant's filings  
2 at Docket Numbers 125 and 126 are construed as motions to compel discovery and are denied.

3 IT IS SO ORDERED.

4 DATED: January 17, 2013

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7 KENDALL J. NEWMAN  
8 UNITED STATES MAGISTRATE JUDGE  
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