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

MARIO K. MOORE,

Plaintiff,

No. 10-cv-3457 KJM KJN P

vs.

MICHAEL McDONALD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to compel filed June 18, 2012 (Dkt. No. 51), and defendants’ motion to conduct plaintiff’s deposition via videoconference filed July 30, 2012 (Dkt. No. 53). For the following reasons, plaintiff’s motion is denied and defendants’ motion is granted.

Motion to Compel

Plaintiff argues that defendants’ failed to respond to interrogatories, requests for admissions and a request for production of documents. In the opposition, defendants state that on May 9, 2012, the court issued a scheduling order granting the parties forty-five days to respond to discovery requests. Defendants state that plaintiff served the at-issue discovery requests on May 6, 2012. Attached as exhibits to defendants’ opposition are plaintiff’s proofs of

1 service for the at-issue discovery requests indicating that they were served on May 6, 2012. (Dkt.
2 No. 52-2 at 9, 13, 20.) In the opposition, defendants state that they served plaintiff with their
3 responses to these discovery requests on June 25, 2012. (Dkt. No. 52-3 at 15, 22, 29.)

4 Defendants had forty-eight days, i.e., forty-five days plus three days for service
5 pursuant to Federal Rule of Civil Procedure 6(d), to serve plaintiff with their discovery
6 responses. Forty-eight days from May 6, 2012 is Saturday June 23, 2012. Because the forty-
7 eighth day fell on a Saturday, defendants' responses were due the following Monday, i.e., June
8 25, 2012. See Fed. Rule Civ. Pro. 6(a)(1)(C). Because defendants served plaintiff with timely
9 responses to the discovery requests, plaintiff's motion to compel is denied.


10 Motion to Conduct Deposition Via Videoconference

11 Defendants request that they be permitted to conduct plaintiff's deposition via
12 videoconference. Plaintiff is incarcerated at High Desert State Prison ("HDSB"). Defendants
13 state that conducting plaintiff's deposition via videoconference would minimize defendants'
14 travel related expenses. Good cause appearing, defendants' motion is granted.

15 Good cause appearing, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion to compel (Dkt. No. 51) is denied;
17 2. Defendants' motion to conduct plaintiff's deposition via videoconference (Dkt.
18 No. 53) is granted.

19 DATED: August 2, 2012

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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