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

RICKY L. BROWN,  
Plaintiff, No. 2:11-cv-0389 GEB DAD P  
vs.  
IGI C/O WHEELER, et al.,  
Defendants. ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that his constitutional rights were violated when he was subjected to the excessive use of force and an unlawful body cavity search by correctional officers. On January 26, 2012, plaintiff filed a motion to compel responses to his first set of interrogatories, his first request for production of documents, and his first request for admissions. Defendants oppose the motion.

As to plaintiff's first set of interrogatories, defendants contend that the motion was premature as their responses were not due until January 30, 2012 and they timely served responses on that date. Although plaintiff's interrogatories were served on November 8, 2011, defendants sought and received two extensions of time, to and including January 30, 2012, in which to respond. See Orders filed January 4, 2012 and January 20, 2012. Defendants represent

1 in their opposition that the responses were timely served on January 30, 2012, and plaintiff has  
2 not disputed this representation. Plaintiff's motion to compel responses to interrogatories was  
3 premature and will therefore be denied.

4 As to plaintiff's requests for production of documents and for admissions,  
5 defendants oppose the motion to compel on the ground that the discovery requests at issue were  
6 not served until January 12, 2012, after the time for service of discovery requests set in the  
7 court's September 27, 2012 scheduling order had expired. Pursuant to that order, requests for  
8 discovery were to be served sixty days before January 9, 2012. Plaintiff's requests for production  
9 of documents and for admissions were served on January 12, 2012, well after expiration of that  
10 deadline. See Ex. A to Opposition to Motion to Compel, filed February 1, 2012. Plaintiff  
11 neither sought nor received an extension of time to serve these discovery requests prior to their  
12 untimely service. Accordingly, plaintiff's motion to compel responses to these discovery  
13 requests will be denied.

14 On February 13, 2012, plaintiff filed a motion for a thirty day extension of time to  
15 complete discovery in this action. As noted above, discovery closed on January 9, 2012.  
16 Plaintiff has presented no evidence that his failure to timely complete discovery was the result of  
17 "excusable neglect." Fed. R. Civ. P. 6(b)(2). Moreover, plaintiff has not filed anything that  
18 demonstrates what, if any, additional discovery he requires in order to pursue his claims in this  
19 action. For that reason, plaintiff's motion for extension of time will be denied.

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

- 21 1. Plaintiff's January 26, 2012 motion to compel (Doc. No. 36) is denied; and  
22 2. Plaintiff's February 13, 2012 motion for an extension of time (Doc. No. 39) is  
23 denied.

24 DATED: March 16, 2012.

25 DAD:12  
26 brow0389.mos

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE