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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD J. CRANE,
Plaintiff,
v.
MIKE McDONALD, et al.,
Defendants.

No. 2:11-cv-0663 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to compel defendants to produce certain documents in discovery. (ECF No. 64.) Defendants have not filed a response.

This action proceeds on the First Amended Complaint (“FAC”), which the court found stated an Eighth Amendment claim concerning the denial of outdoor exercise. (ECF Nos. 21, 22.) A scheduling order, issued December 3, 2012, set the discovery deadline as March 22, 2013. Any motions necessary to compel discovery were to be filed by that date. (ECF No. 50.) Plaintiff’s motion to compel was constructively filed on April 18, 2013 (ECF No. 64 at 2), and thus is untimely.

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1 Moreover, even had plaintiff timely filed his motion to compel, he has not carried his
2 burden to show why defendants' responses are inadequate or their objections unjustified. See
3 Williams v. Cate, 2011 WL 6217378 at *1 (E.D. Cal. Dec. 14, 2011) ("Plaintiff bears the burden
4 of informing the Court . . . for each disputed response, why Defendant's objection is not justified.
5 . . . Plaintiff may not simply assert that he has served discovery responses, that he is dissatisfied,
6 and that he wants an order compelling further responses."), citing Ellis v. Cambra, 2008 WL
7 860523 at *4 (E.D. Cal. Mar. 27, 2008); see also Cal. Rules of Court, Rule 3.1345 (party moving
8 to compel discovery responses must include reasons why further answers should be ordered: legal
9 or factual arguments why the answers given were incomplete or nonresponsive, or the objections
10 invalid).

11 Here, plaintiff does not show why defendants' responses to specific requests are deficient.
12 Rather, he attaches defendants' responses to all of his document requests and generally asserts
13 that unspecified documents are not maintained in his central file, as defendants claim. Thus, even
14 if the motion to compel were timely, plaintiff has not supplied a sufficient reason for granting it.

15 Accordingly, IT IS HEREBY ORDERED THAT plaintiff's motion to compel (ECF No.
16 64) is denied.

17 Dated: July 8, 2013

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20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE
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