

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CHAVEZ,  
Plaintiff,  
v.  
GRANADOZ, et al.,  
Defendants.

No. 2:11-cv-1015 WBS CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On January 12, 2016, plaintiff filed a motion seeking leave to serve requests for discovery. However, discovery closed in this action on September 26, 2014 (ECF No. 59) and plaintiff has not adequately explained why discovery was not completed before then or why he did not seek an extension of the discovery deadline before it expired.

There is a motion for summary judgment pending in this action and the court issued findings and recommendations with respect to that motion on January 8, 2016. To the extent plaintiff now asks that the court vacate the court’s findings and recommendations pursuant to Federal Rule of Civil Procedure 56(d), so that plaintiff may conduct further discovery, plaintiff’s request is denied as plaintiff fails to point to any specific facts which are material to the court’s consideration to defendants’ motion for summary judgment which were unavailable to plaintiff

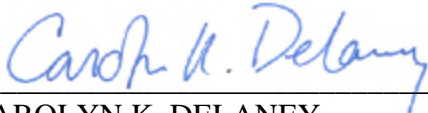
////

1 during the discovery period. Furthermore, plaintiff fails to point to those specific material facts  
2 he reasonably expects to obtain through further discovery.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's request for leave to serve further discovery requests (ECF No. 85) is denied.  
5 2. Plaintiff's request that the court vacate the findings and recommendations issued  
6 January 8, 2016 is denied.

7 Dated: January 27, 2016

8   
9 CAROLYN K. DELANEY  
10 UNITED STATES MAGISTRATE JUDGE

11  
12 1  
13 chav1015.drd

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28