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

ANDRE CRAVER,

Plaintiff,

No. 2: 11-cv-1344 MCE KJN P

vs.

J. HASTY, 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 March 4, 2012 motion for sanctions. For the following reasons, plaintiff’s motion is denied.


Plaintiff alleges that defendants failed to respond to discovery requests he served on them before they filed their motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b) on September 23, 2011. In their opposition, filed March 15, 2012, defendants state that on October 11, 2011 the parties filed a joint stipulation staying discovery until the court ruled on the motion to dismiss. (Dkt. No. 24.) Defendants state that on February 28, 2012, the court denied defendants’ motion to dismiss. Consequently, defendants calendared their response to plaintiff’s discovery requests for March 29, 2012.

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1           Based on the joint stipulation, defendants were not obligated to respond to  
2 plaintiff's discovery requests until the court ruled on the motion to dismiss. Defendants did not  
3 improperly calendar the date for serving their responses to plaintiff's discovery requests. For  
4 these reasons, plaintiff's motions for sanctions is denied.

5           Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for sanctions  
6 (Dkt. No. 36) is denied.

7 DATED: March 22, 2012

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE

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