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

MACK WEST, JR.,

Plaintiff,

No. 2:12-cv-1293 DAD P

vs.

NOAH DIZON,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 25, 2013, plaintiff filed a motion seeking a thirty day extension of the deadline set for completion of discovery in this action. (ECF No. 20.) On March 5, 2013, plaintiff filed a request seeking the issuance of a blank subpoena form. (ECF No. 21). On March 18, 2013, plaintiff filed a motion to compel discovery. (ECF No. 22.) On April 4, 2013, defendant Dizon filed a motion seeking an extension of time to respond to plaintiff’s motion to compel. (ECF No. 23.)

Plaintiff seeks an extension of time to serve a third request for production on defendant. In support of that request, he contends that his third request for production is necessary because defendant objected to his first two such requests. Plaintiff also contends that he prepared the third request for production but was then placed on lockdown which prevented

1 him from timely serving the request for production on defendant. Plaintiff has not included his
2 proposed third request for production with his motion for extension of time.

3 Plaintiff's first two requests for production of documents are the subject of his
4 motion to compel, which was delivered to prison officials for mailing on March 13, 2013 and
5 was therefore timely. See Houston v. Lack, 487 U.S. 266 (1988). Since plaintiff has not
6 tendered his proposed third request for production of documents, the court is unable to determine
7 whether plaintiff should be permitted to serve that request regardless of the outcome of his
8 motion to compel, or whether resolution of the motion to compel would moot the request for
9 leave to serve on defendant a third document production request. For that reason, plaintiff's
10 motion for extension of time to serve a third request for production of documents will be denied
11 at this time.

12 Plaintiff does not provide a reason in support of his requesting a blank subpoena
13 form. Although it is not clear, the request appears to be related to his pending motion to compel.
14 At this stage of the litigation, no basis appears in the record for issuance of a subpoena.
15 Accordingly, plaintiff's request for a blank subpoena form will be denied without prejudice.

16 Good cause appearing, defendants' motion for an extension of time to respond to
17 plaintiff's motion to compel will be granted.

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

19 1. Plaintiff's February 25, 2013 motion for extension of time (ECF No. 20) is
20 denied;

21 2. Plaintiff's March 4, 2013 request for a blank subpoena (ECF No. 21) is denied
22 without prejudice;

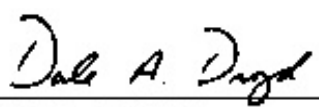
23 3. Defendant's April 4, 2013 motion for extension of time to file an opposition to
24 plaintiff's March 18, 2013 motion to compel discovery (ECF No. 23) is granted;

25 4. Defendant shall file and serve an opposition to plaintiff's March 18, 2013
26 motion to compel on or before April 29, 2013; and

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5. Plaintiff's reply, if any, shall be delivered to prison officials for mailing not later than May 13, 2013.

DATED: April 11, 2013.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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