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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY CECIL,
Plaintiff,
v.
JEFF BEARD, et al.,
Defendants.

No. 2:13-cv-1923 TLN KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. On November 7, 2014, plaintiff filed a motion to compel discovery. Plaintiff's contends that Dr. Rohlring failed to verify his responses to plaintiff's first set of interrogatories.

6. On July 18, 2014, the court issued its discovery order setting the following discovery deadlines: The parties may conduct discovery until October 31, 2014. Any motions necessary to compel discovery shall be filed by that date. All requests for discovery pursuant to Fed. R. Civ. P. 31, 33, 34 or 36 shall be served not later than sixty days prior to that date.

(ECF No. 63 at 5.)

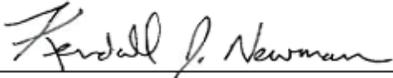
The certificate of service appended to plaintiff's motion was signed and dated by plaintiff on November 2, 2014. Thus, plaintiff's motion to compel discovery is untimely under the scheduling order because it was not presented to prison officials for mailing on or before October 31, 2014. Plaintiff's motion to compel is denied.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel (ECF No. 89) is denied as untimely.

Dated: November 12, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE