

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

FRANK LEE DEARWESTER,
Plaintiff,
v.
SACRAMENTO COUNTY SHERIFF'S
DEPT., et al.,
Defendant.

No. 2:13-cv-2066 MCE DB P

ORDER

On October 13, 2015, the court set deadlines for discovery and pretrial motions. (ECF No. 33.) All discovery was due to be completed, and all motions to compel discovery were due to be filed, by January 29, 2016. In February 2016, the court granted plaintiff's request for an extension of time to file a motion to compel. (ECF No. 40.) Pursuant to that February 25 order, any motion to compel was due to be filed by March 28, 2016. Plaintiff did not file a motion to compel prior to that deadline; nor has he filed one since.

On April 22, 2016, defendants moved for summary judgment. On May 16 and again on June 6, 2016, plaintiff moved for an extension of time to conduct discovery. At that point, the time for seeking discovery or filing a motion to compel had long past. Defendants oppose any extension of time. (ECF Nos. 46, 48.) The court finds plaintiff has not shown good cause for his failure to seek discovery or file a motion to compel in a timely manner.


1 Plaintiff has not filed a response to the motion for summary judgment. Based on the delay
2 in addressing plaintiff's motions for extension of time, this court will grant plaintiff one extension
3 of time to respond to defendants' motion for summary judgment.

4 Finally, plaintiff moves for "sanctions." (ECF No. 51.) He seeks unspecified sanctions
5 against Mary Kimbrell, the litigation coordinator at Corcoran State Prison, based on her
6 declaration, in response to plaintiff's discovery request, that a search of plaintiff's CDCR records
7 revealed no documents regarding plaintiff's requests for a kosher diet while at Corcoran. Plaintiff
8 attaches records which he contends show that Ms. Kimbrell's declaration is not truthful. To the
9 extent plaintiff's filing seeks to compel a different response to his discovery request, that
10 discovery motion comes too late. With respect to sanctions, plaintiff provides no legal basis for
11 granting them.

12 For the foregoing reasons, IT IS HEREBY ORDERED as follows:

- 13 1. Plaintiff's May 16 and June 6 motions for an extension of time (ECF Nos. 44 and 47)
14 are denied.
- 15 2. Within thirty (30) days of the filed date of this order, plaintiff shall file any response
16 or opposition to defendants' motion for summary judgment. Plaintiff's failure to file a
17 timely response to defendants' motion will result in a recommendation that this case
18 be dismissed.
- 19 3. Plaintiff's August 31, 2016 motion for sanctions (ECF No. 51) is denied.

20 Dated: September 2, 2016

21
22
23 
24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE
26
27
28

1 DLB1/prisoner-civil rights/Dear2066.eots

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