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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CRUZ TRUJILLO,

 Plaintiff,

 v.

HITHE, et al.,

 Defendants.

No. 2:14-cv-0584 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On August 6, 2018, plaintiff filed a motion for a sixty-day extension of time to file objections to the court’s findings and recommendations issued July 9, 2018. ECF No. 108. On August 10, 2018, plaintiff also filed a “motion to compel discovery.” ECF No. 109. Defendant Hithe filed a response to the motion to compel on August 22, 2018. For the reasons stated below, the court will grant plaintiff’s motion for an extension of time and deny plaintiff’s motion to compel.

On July 9, 2018, the court issued findings and recommendations in this matter. ECF No. 107. The undersigned recommended that defendant’s motion for summary judgment be granted for failure to exhaust administrative remedies, and that this action be dismissed. See ECF No.

1 107 at 9. At that time, plaintiff was given fourteen days to file objections. See id.

2 On August 6, 2018, plaintiff filed the instant motion to extend time to file his objections.
3 ECF No. 108. In it, plaintiff states that the extension of time is needed because he is currently
4 “out” at a different location in order to litigate court proceedings in a different matter. See id. at
5 1. When he was transported to the location, plaintiff states that he was forbidden to bring any
6 legal material other than that which related to the matter being litigated. See id. As a result, he
7 does not have the legal documents he will need to file objections to the findings and
8 recommendations. See id.

9 Defendant Hithe has not objected to this motion. Given these facts, the court will grant
10 plaintiff the requested extension of time.

11 Plaintiff’s “motion to compel discovery” (see ECF No. 109) seeks not discovery from
12 defendant Hithe, but rather, a copy of his complaint with exhibits. See id. at 1. Plaintiff states
13 that he needs these documents in order to file objections to the court’s findings and
14 recommendations. See id.

15 Defendant Hithe has not objected to the motion. On the contrary, on August 22, 2018,
16 defendant Hithe filed a response to it, which informs the court that on or about August 21, 2018,
17 his counsel sent plaintiff a copy of the second amended complaint. See ECF No. 111 at 3, 5
18 (declaration of defense counsel and letter to plaintiff stating same).

19 In light of these facts, there is no need to order defendant Hithe to produce the complaint.
20 Consequently, plaintiff’s “motion to compel” will be denied as moot.

21 Accordingly, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff’s motion for a sixty-day extension of time to file objections to the court’s July
23 9, 2018 findings and recommendations (ECF No. 108) is GRANTED;
- 24 2. Plaintiff’s objections shall be filed within sixty days of the date of this order, and
- 25 3. Plaintiff’s motion to compel discovery (ECF No. 109) is DENIED as moot.

26 DATED: August 23, 2018

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28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE