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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD JONES,  
Plaintiff,  
v.  
C. CLARK, et al.,  
Defendants.

No. 2:14-cv-0987 CKD P

ORDER

This pro se prisoner civil rights action proceeds on plaintiff's claim that defendant Stephens used excessive force against him on September 25, 2012. (ECF No. 10.) The original discovery deadline in this action was March 20, 2015. (ECF No. 22.)

In December 2014, plaintiff served defendant with a First Set of Interrogatories. Defendant served plaintiff with responses in February 2015. (ECF No. 36 at 2.)

On March 30, 2015, this court granted plaintiff's request to extend the discovery deadline by thirty days. The order stated: "Plaintiff has served defendant with a request for additional documents, identified in defendant's interrogatory responses, which appear to be relevant to this action." (ECF No. 30 at 1.) The order cited plaintiff's March 18, 2015 motion, to which was attached "Plaintiff's First Documents Request on Defendant Stephens," dated March 9, 2015. (ECF No. 29.)

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1 Before the court is plaintiff's April 27, 2015 motion to compel, in which he complains that  
2 defendant has not responded to his document requests. (ECF No. 35.) In opposition, defendant's  
3 counsel declares that the only discovery request he has received to date is plaintiff's First Set of  
4 Interrogatories. (ECF No. 36.)

5 The proof of service on plaintiff's March 18, 2015 motion indicates that plaintiff  
6 attempted to serve his First Set of Document Requests on defendant by mail, along with the  
7 motion. (ECF No. 29.) As service apparently was unsuccessful, the court will allow plaintiff  
8 additional time to serve defendant with his document requests.<sup>1</sup> Good cause appearing, the court  
9 will grant plaintiff's request to extend the discovery deadline. (ECF No. 37.) Based on the  
10 foregoing, the court will also extend the dispositive motion deadline.

11 Accordingly, IT IS HEREBY ORDERED THAT:

- 12 1. Plaintiff's motion to compel (ECF No. 35) is denied as premature;
- 13 2. Plaintiff's motion to modify scheduling order (ECF No. 37) is granted; and
- 14 3. Discovery in this action, and all motions to compel discovery, are due June 30, 2015.

15 Pretrial motions, except motions to compel discovery, are due on or before September 18, 2015.

16 Dated: May 18, 2015

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19 CAROLYN K. DELANEY  
20 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> The parties are encouraged to meet and confer about service of these requests, given plaintiff's  
incarcerated status and his failed attempt to serve them by mail.