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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ASKIA ASHANTI,
Plaintiff,
v.
BARACK OBAMA, et al.,
Defendants.

No. 2:14-cv-1644 JAM KJN P

ORDER

Introduction

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to compel. (ECF No. 82.) On June 8, 2016, plaintiff filed a motion for an extension of time to file a reply to defendant’s opposition to his motion to compel. (ECF No. 85.) On June 13, 2016, plaintiff filed a reply. (ECF No. 86.) Good cause appearing, plaintiff’s motion for extension of time is granted and the reply is deemed timely filed.

Discussion

Defendant first objects to the motion to compel on the grounds that plaintiff failed to meet and confer prior to filing the motion, as required by Federal Rule of Civil Procedure 37. In a declaration attached to the opposition, defense counsel states that at the conclusion of plaintiff’s March 15, 2016 deposition, plaintiff stated that he wished to meet and confer regarding

1 defendant's discovery responses. (ECF No. 84-1 at 2.) Defense counsel asked plaintiff if he
2 could tell him which specific responses he had concerns about, and plaintiff responded that he
3 could not at that moment. (Id.) Defense counsel told plaintiff that he could send him a letter with
4 any concerns he had about defendant's discovery responses to satisfy the meet and confer
5 requirement. (Id.) Defense counsel represents that he received no correspondence from plaintiff
6 regarding any deficiencies in defendant's previously served discovery responses. (Id.)

7 In his reply, plaintiff argues that he was not required to send defense counsel a letter
8 identifying any deficiencies in the discovery responses because virtually all responses were
9 evasive and non-responsive. Plaintiff is incorrect. Plaintiff is informed that even if he disagreed
10 with defendant's responses to all of his requests, he was still required to attempt to resolve his
11 discovery disputes prior to filing a motion to compel. In any event, for the reasons discussed
12 herein, plaintiff's motion to compel is not well supported.

13 In the motion to compel, plaintiff generally argues that defendant did not adequately
14 respond to all of the interrogatories, requests for production of documents and requests for
15 admissions. However, plaintiff does not discuss any specific responses and why they were not
16 adequate.

17 Plaintiff bears the burden of informing the court of (1) which discovery requests are the
18 subject of his motion to compel, (2) which of defendant's responses are disputed, (3) why he
19 believes defendant's responses are deficient, (4) why defendant's objections are not justified, and
20 (5) why the information he seeks through discovery is relevant to the prosecution of this action.
21 McCoy v. Ramirez, 2016 WL 3196738 at *1 (E.D. Cal. 2016); Ellis v. Cambra, 2008 WL
22 860523, at *4 (E.D. Cal. 2008) ("Plaintiff must inform the court which discovery requests are the
23 subject of his motion to compel, and, for each disputed response, inform the court why the
24 information sought is relevant and why Defendant's objections are not justified.").

25 The undersigned agrees with defendant that plaintiff has not met his burden here. In this
26 motion, plaintiff seeks further responses to 25 interrogatories, 40 requests for production of
27 documents and 77 requests for admissions without addressing any of the objections asserted by
28 defendant.

1 By way of example, the undersigned reproduces plaintiff's interrogatory no. 5 and
2 defendant's responses:

3 Interrogatory no. 5: During plaintiff second commitment within the
4 CDCR/State Prison system from 1995-2015, have plaintiff ever
5 failed a random/drug controlled substance test imposed by the
6 prison system?

7 Response to Interrogatory No. 5: Defendant objects to this
8 interrogatory on grounds that it is overly broad, it is irrelevant to the
9 claims or defenses of any party, and it assumes facts which have not
10 been admitted. Without waiving these objections, defendant is
11 unable to respond to this interrogatory because, outside of the
12 incident at issue in this lawsuit, she lacks personal knowledge of
13 plaintiff's disciplinary history between 1995 and 2015.

14 (ECF No. 82 at 13.)

15 The grounds of plaintiff's objection to defendant's response to interrogatory no. 5 are
16 unclear. Defendant's response that she cannot respond to this interrogatory because she lacks
17 personal knowledge appears reasonable to the undersigned.

18 It is not the court's duty to review defendant's responses to plaintiff's discovery requests
19 on plaintiff's behalf. Accordingly, plaintiff's motion to compel is denied because plaintiff failed
20 to address why defendant's objections were not justified and why defendant's responses were
21 deficient.

22 On May 6, 2016, defendant filed a motion for summary judgment. (ECF No. 80.) On
23 May 17, 2016, the undersigned ordered that plaintiff would not be required to file an opposition
24 to the summary judgment motion until resolution of his motion to compel. Because the motion to
25 compel is resolved, the undersigned herein orders plaintiff to file his opposition to the summary
26 judgment motion.

27 Accordingly, IT IS HEREBY ORDERED that:

- 28 1. Plaintiff's motion for an extension of time (ECF No. 85) is granted;
- 29 2. Plaintiff's motion to compel (ECF No. 82) is denied; and

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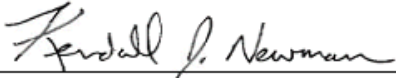
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3. Plaintiff's opposition to defendant's summary judgment motion is due within thirty days of the date of this order; defendant may file a reply within fourteen days thereafter.

Dated: June 23, 2016

Ash1644.com


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE