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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL GARCIA,
Plaintiff,
v.
F. FOLKS, et al.,
Defendants.

No. 2:14-cv-2378 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Before the court are defendants’ and plaintiff’s motions to compel. For the reasons set forth below, this court finds defendants have withdrawn their motion and requests further information from plaintiff regarding his motion.

This case is proceeding on plaintiff’s original complaint filed here on October 6, 2014. (ECF No. 1.) On screening, the court found plaintiff stated the following potentially cognizable claims regarding the conditions of his confinement at High Desert State Prison (“HDSP”): (1) First Amendment retaliation claims against all defendants; (2) Eighth Amendment claims based on the mishandling of plaintiff’s food against defendants Cox, Folks, Loftin, and Riley; (3) Eighth Amendment claims based on plaintiff’s living conditions against defendants Cox, Folks, Loftin, Madrigal, Riley, Witcheal, and Wung; and (4) Eighth Amendment claims regarding plaintiff’s serious medical needs against Cox, Loftin, Madrigal, Riley, Witcheal, and Wung. (ECF No. 14.)

1 On June 9, 2016, defendants Cox, Folks, Holmes, Loftin, Madrigal, Witcheal, and Wung filed an
2 answer to the complaint. (ECF No. 30.) On November 14, 2016, defendant Riley filed an
3 answer. (ECF No. 45.)

4 On February 27, 2017, defendants filed a motion to compel plaintiff to respond to
5 interrogatories and to a request for production of documents. (ECF No. 67.) On March 16, the
6 court granted plaintiff's request for an extension of time to respond to the discovery. (ECF No.
7 71.)

8 On April 3, 2017, plaintiff filed a motion to compel. (ECF No. 72.) In an April 7
9 response to plaintiff's motion, defendants' counsel states that on April 6 she sent the discovery
10 requested in plaintiff's motion to him. (ECF No. 73 at 2.) Plaintiff did not file a reply to
11 defendants' response.


12 In a declaration filed April 12, 2017, defendants' counsel informed the court that plaintiff
13 has now complied with the discovery sought in defendants' motion to compel. Defendants
14 therefore withdraw their motion. (See ECF No. 75.)

15 Accordingly, IT IS HEREBY ORDERED as follows:

- 16 1. Defendants' February 27, 2017 motion to compel (ECF No. 67) is withdrawn.
- 17 2. Within twenty days of the date of this order, plaintiff shall inform the court whether he
18 has received a response to his motion to compel and it is therefore moot. If plaintiff
19 does not file a timely notification, the court will accept defendants' representation that
20 they have responded to the discovery requested in the motion to compel and will
21 dismiss plaintiff's motion as moot.

22 Dated: May 25, 2017

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE