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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM NATHANIEL WASHINGTON,

No. 2:15-cv-2302-MCE-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendant.

\_\_\_\_\_/

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are three duplicative motions to compel plaintiff filed relating to his first set of interrogatories and request for production of documents (Docs. 39, 40, 41). The court notes that the last motion was filed after the last date in which to file a motion to compel. However, as it is essentially duplicative of the first two, the court will address all three of them together.

Defendant has not filed an opposition or any response to the motions. However, attached to the motion is correspondence with plaintiff, in which defendant indicates the requests were untimely. Without defendant directly responding to the motions, the court is unable to resolve the issue of timeliness. It does appear from plaintiff’s motion that the discovery requests

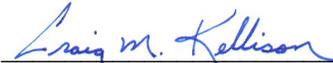
1 were served on or about January 5, 2017. As discovery was open until September 4, 2017, it is  
2 unclear how defendant has determined the discovery requests were untimely. In order to resolve  
3 that issue, defendant will be directed to respond to the motions. Defendant is cautioned that  
4 failure to do so may result in the motion being granted and sanctions issued as the court deems  
5 appropriate. See Local Rule 110.

6 Plaintiff also filed a motion for summary judgment (Doc. 42) on July 9, 2018.  
7 Pursuant to the scheduling order, dispositive motions in this case were to be filed on or before  
8 December 3, 2017. No request from either party to modify the scheduling order has been  
9 received by the court. It is therefore unclear to the court whether the outstanding discovery  
10 requests are still necessary. Plaintiff will be required to show cause why his motion for summary  
11 judgment should not be denied as untimely. Plaintiff is similarly cautioned that failure to  
12 respond to the order to show cause may result in dismissal of this action for lack of prosecution  
13 and failure to comply with court rules and orders, or other sanctions the court deems appropriate.  
14 See Local Rule 110.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Defendant shall respond to plaintiff's motions to compel (Docs. 39, 40,  
17 41) within 20 days of the date of this order; and  
18 2. Plaintiff shall show cause why his motion for summary judgment (Doc.  
19 42) should not be denied as untimely.

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21 DATED: July 13, 2018

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23 **CRAIG M. KELLISON**  
24 UNITED STATES MAGISTRATE JUDGE  
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