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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

M. KUERSTEN,

Defendant.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s motions to compel (Docs. 39, 40, and 41) and the parties’ responses (Docs. 44 and 45) to the court’s July 13, 2018, order to show cause.

Initially, the court observes that plaintiff’s motions are duplicative of one another in that they all relate to two discovery requests served on defendant on or about January 5, 2017. Regarding the disputed discovery, defendant has responded to plaintiff’s motions indicating his agreement to provide the requested discovery without objection. Accordingly, the court deems the motions unopposed and will direct defendant to comply.

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1 Pursuant to the court's April 13, 2017, scheduling order, dispositive motions were  
2 due within 90 days of the close of discovery on September 4, 2017. Defendant opted not to file  
3 any dispositive motion. Plaintiff filed his motion for summary judgment (Doc. 42) on July 9,  
4 2018 – after the dispositive motion cut-off date but while his timely motions to compel were still  
5 pending before the court. Given the delay in resolving the motions to compel as well as  
6 defendant's representation that he will provide responses, the court hereby extends the  
7 dispositive motion cut-off, nunc pro tunc, to July 9, 2018. Plaintiff's motion for summary  
8 judgment is, therefore, considered timely.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff's motions to compel (Docs. 40 and 41), filed on November 13,  
11 2017, and January 24, 2018, respectively, are stricken from the record as duplicative of plaintiff's  
12 motion to compel (Doc. 39) filed on October 30, 2017, and the Clerk of the Court is directed to  
13 terminate Docs 40 and 41 as pending motions;

14 2. Plaintiff's unopposed motion to compel (Doc. 39) is granted;

15 3. Defendant shall serve responses without objection to plaintiff's January 5,  
16 2017, discovery requests within 10 days of the date of this order;

17 4. The dispositive motion cut-off date is extended, nunc pro tunc, to July 9,  
18 2018, and plaintiff's motion for summary judgment (Doc. 42) filed that day is deemed timely;

19 5. Defendant may file a response to plaintiff's motion for summary judgment  
20 within 30 days of the date of this order; and

21 6. The order to show cause issued on July 13, 2018, is hereby discharged.

22  
23 DATED: August 15, 2018

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25 **CRAIG M. KELLISON**  
26 UNITED STATES MAGISTRATE JUDGE