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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON LAMONT STRIBLING,
Plaintiff,
v.
R. MOTT, et al.,
Defendants.

No. 2:16-cv-0400 MCE CKD P

ORDER

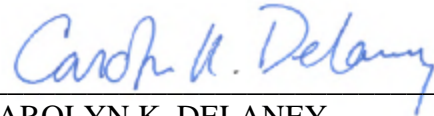
On February 12, 2018, the Clerk of the Court filed plaintiff's motion to compel discovery responses from defendants Mott, Andrichuk, Glenn, Johnson, Molina, Morrow, Murillo, Schneider, and Terry. (ECF No. 59.) Defendants filed their opposition to the motion on March 6, 2018. (ECF No. 64.) Included with the motion was a certificate of service that averred the motion had been served on plaintiff by mail at his address of record at the California State Prison, Sacramento. (Id. at 6.) On March 20, 2018, without any explanation, defendants filed another certificate of service averring that their opposition was served on plaintiff by mail at San Quentin State Prison. (ECF No. 68.) Plaintiff has now filed a reply in which he asserts that he did not receive the opposition served on March 6, 2018, and that defendants therefore did not file their opposition on that day. (ECF No. 70.) He further states that he did receive the opposition served on March 20, 2018, that it was mailed to the wrong address because he was not housed at San Quentin State Prison, and that he never told the court or defendants that he was housed at San

1 Quentin State Prison. (Id.) He claims that this was a ploy by defendants to make him miss his
2 deadline to file a reply. (Id.)

3 Contrary to plaintiff's contentions, defendants did in fact file their opposition on March 6,
4 2018. ECF No. 64. While it appears that plaintiff did not receive that copy of the opposition,
5 there is no evidence that it was because defendants failed to serve it on him. While it is unclear
6 why defendants later served plaintiff with a copy of the opposition at location where he was not
7 housed, he did ultimately receive that copy of the opposition and will be given an opportunity to
8 file a reply.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff shall have fourteen days from the
10 service of this order to file a reply to defendants' opposition to his motion to compel.

11 Dated: April 5, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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