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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
SAIF ALI AHMED SALEH, et al.,  
Defendants.

No. 2:16-cv-0617-JAM-KJN

ORDER

On April 27, 2017, plaintiff filed a motion to compel supplemental responses to discovery requests, and noticed the hearing for May 11, 2017. (ECF No. 20.) Plaintiff’s motion is improperly noticed. Local Rule 251 generally requires discovery motions to be noticed at least 21 days prior to the hearing date. E.D. Cal. L.R. 251(a). Local Rule 251 does provide a shorter notice period, for a hearing within 14 days, for two specific types of motions: (1) “when there has been a complete and total failure to respond to a discovery request or order”; or (2) “when the only relief sought by the motion is the imposition of sanctions.” E.D. Cal. L.R. 251(e). However, in this case, plaintiff contends that the discovery responses served by defendants are insufficient in various respects. Thus, plaintiff’s motion here does not involve a complete and total failure to respond to a discovery request or order, nor does it only seek the imposition of sanctions. As such, the motion does not fall within the parameters of Local Rule 251(e) and is improperly noticed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to compel (ECF No. 20) is DENIED WITHOUT PREJUDICE as improperly noticed.
2. The May 11, 2017 hearing is VACATED.

Dated: May 4, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE