

1 The court finds that the circumstances of this case warrant making an allowance for the
2 tardy service of plaintiff's second set of discovery requests. As noted above, plaintiff states that
3 circumstances beyond his control, namely a modified lockdown and limited access to the law
4 library, interfered with his ability to timely serve all of his requests. *Id.* at 2. Although plaintiff
5 should have filed an earlier motion for extension of that deadline, the Ninth Circuit has cautioned
6 that "strict time limits . . . ought not to be insisted upon where restraints resulting from a pro se
7 prisoner plaintiff's incarceration prevent timely compliance with court deadlines." *Eldridge v.*
8 *Block*, 832 F.2d 1132, 1136 (9th Cir. 1987) (internal quotation marks omitted) (citing *Tarantino*
9 *v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967)). Moreover, allowing plaintiff to pursue his
10 discovery requests may facilitate resolution of this action insofar as "[a]n important purpose of
11 discovery is to reveal what evidence the opposing party has, thereby helping determine which
12 facts are undisputed--perhaps paving the way for a summary judgment motion--and which facts
13 must be resolved at trial." *Computer Task Group, Inc. v. Broby*, 364 F.3d 1112, 1117 (9th Cir.
14 2004).

15 Based on the foregoing, it is ORDERED that plaintiff's motion to extend the discovery
16 deadline (ECF No. 23) is GRANTED. The record indicates that defendants have already been
17 served with plaintiff's October 11, 2017 interrogatories, requests for production, and requests for
18 admissions. ECF No. 23 at 2. Thus, defendants shall respond to these discovery requests within
19 thirty days of the date this order is filed. Plaintiff's motion to compel based on those requests, if
20 any, must be filed within thirty days of his receipt of defendants' responses. Finally, given this
21 modification to the scheduling order, the court will be receptive to requests from either party to
22 extend the dispositive motion deadline.

23 DATED: November 29, 2017.

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25 EDMUND F. BRENNAN
26 UNITED STATES MAGISTRATE JUDGE
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