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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 THOMAS FRANKLIN HAMMITT,

12 Plaintiff,

13 v.

14 BUTTE COUNTY JAIL, et al.,

15 Defendants.
16

No. 2: 16-cv-2644 KJN P

ORDER

17 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant
18 to 42 U.S.C. § 1983. On October 2, 2017, the undersigned issued an order addressing plaintiff's
19 motions for extensions of time to conduct discovery. (ECF No. 30.) In particular, the
20 undersigned granted plaintiff thirty days to file a motion to compel. (Id.) The undersigned
21 denied plaintiff's request for an extension of time to serve new discovery requests. (Id.) Pending
22 before the court is plaintiff's motion to compel. (ECF No. 31.)

23 In the motion to compel, plaintiff alleges that defendants failed to provide him with the
24 following documents: 1) a copy of the Butte County Sheriff's Office Corrections Divisions
25 Operations Manual (request no. 1); and 2) a copy of the California Forensic Medical Group (aka
26 "CFMG") 2016 Policy and Procedure Manual (request no. 2). (Id.)

27 In the October 2, 2017 order, the undersigned addressed the documents sought in request
28 no. 2. In particular, the undersigned ordered defendants to provide plaintiff with the 2016

1 Policies and Procedures regarding medical services. (ECF No. 30 at 3.) On October 30, 2017,
2 plaintiff filed a notice stating that he had received this document. (ECF No. 34.) Accordingly,
3 the motion to compel is deemed resolved as to request no. 2.

4 With respect to request no. 1, in the opposition to the pending motion, defendants state
5 that plaintiff did not request the documents described in this request. Defendants have provided a
6 copy of plaintiff's request for production of documents. (ECF No. 33-1.) In the request for
7 production of documents, plaintiff requested the entire Butte County Sheriff's Officer Department
8 Operations Manual. (Id. at 1.) Defendants state that in response to this request, they informed
9 plaintiff that no such document existed as set forth in the request. (ECF No. 33-2 at 3.)
10 Defendants also responded that if plaintiff was seeking all Butte County Sheriff's Office
11 Department Orders, defendants objected on the grounds of undue burden and privilege. (Id.)

12 Plaintiff may not amend his discovery requests in a motion to compel. However, in both
13 descriptions of request no. 1, plaintiff clearly seeks a manual for Butte County Sheriff's Officers.
14 Defendants have represented that no such document exists. The undersigned cannot order
15 defendants to produce a document that does not exist.

16 To the extent plaintiff seeks all Butte County Sheriff's Department Orders, the
17 undersigned agrees with defendants that such a request is unduly burdensome and overbroad. In
18 the instant action, plaintiff alleges that he was denied adequate mental health treatment while
19 housed at the Butte County Jail. (ECF No. 20.) Clearly, not every Butte County Sheriff's
20 Department Order is relevant to this claim, or would lead to relevant information.

21 Finally, on November 8, 2017, plaintiff filed a letter with the court stating that on October
22 20, 2017, he served defendants with interrogatories. (ECF No. 35.) Plaintiff alleges that
23 defendants informed him that they would not respond to his interrogatories because they were
24 untimely. (Id.) Plaintiff requests that the court order defendants to respond to his interrogatories.
25 (Id.)

26 As discussed above, the court denied plaintiff's request to serve defendants with new
27 discovery requests. (See ECF No. 30.) Accordingly, the undersigned will not order defendants to
28 respond to the interrogatories served on October 20, 2017, because they are untimely.

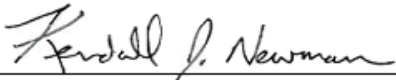
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Accordingly, for the reasons discussed above, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to compel (ECF No. 31) is denied;

2. Plaintiff's request for an order directing defendants to respond to his interrogatories (ECF No. 35) is denied.

Dated: November 14, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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