8 UNITED STATES DISTRICT COURT	
9 FOR THE EASTERN DISTRICT OF CALIFORNIA	
JAMAAL THOMAS,	No. 2:16-cv-02691 JAM CKD P
Plaintiff,	
V.	<u>ORDER</u>
CHAD DARLING, et al.,	
Defendants.	
Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42	
U.S.C. § 1983. Currently pending before the court is plaintiff's motion to compel discovery from	
defendants Pizarro and Darling. ECF No. 34. Defendants have opposed the motion on the	
grounds that it is moot. <u>See</u> ECF Nos. 36, 37.	
I. Background	
Plaintiff is proceeding on his original complaint against defendants Darling, Pizarro, Camp,	
and Haring on Eighth Amendment claims of deliberate indifference based on events that occurred	
on September 24, 2015. <u>See ECF No. 7</u> (screening order). The original discovery and scheduling	
order set a discovery deadline of November 13, 2017. See ECF No. 24 at 5. Based on the	
parties' separate motions to stay and modify the scheduling order, the discovery deadline was	
extended to January 12, 2018. ECF No. 31.	
	JAMAAL THOMAS, Plaintiff, v. CHAD DARLING, et al., Defendants. Plaintiff is a state prisoner proceeding U.S.C. § 1983. Currently pending before the defendants Pizarro and Darling. ECF No. 34 grounds that it is moot. See ECF Nos. 36, 37 I. Background Plaintiff is proceeding on his original con and Haring on Eighth Amendment claims of on September 24, 2015. See ECF No. 7 (scree order set a discovery deadline of November 1 parties' separate motions to stay and modify

II. Motion to Compel

On January 25, 2018, plaintiff filed a motion to compel responses to his Request for Admissions, Set One, and Request for Production of Documents, Set One, from defendants Pizarro and Darling. ECF No. 34. In the motion, plaintiff alleges that these two defendants failed to respond to his discovery requests sent on November 7, 2017. <u>Id.</u> By way of relief, plaintiff requests that any objections to the discovery requests be deemed waived and/or that responses be provided to plaintiff. Id. at 7.

Both defendants Pizarro and Darling indicate in their oppositions that their discovery responses were mistakenly served on plaintiff at the Salinas Valley State Prison even though he had already been moved to the Men's Central Jail in Los Angeles. See ECF Nos. 36, 37; see also ECF No. 26 (Plaintiff's Notice of Change of Address). This mistake was only corrected once plaintiff communicated with defense counsel about the lack of a discovery response. See ECF Nos. 36, 37. Defense counsel re-served their responses on plaintiff at the Men's Central Jail. Id. Unfortunately, by that point, plaintiff had been transferred back to the Salinas Valley State Prison. See ECF No. 35 (Plaintiff's Notice of Change of Address). Both defendants then sent another copy of their discovery responses to plaintiff at Salinas Valley State Prison. Plaintiff has not filed a reply to defendants' opposition.

In light of this case history, the court finds that plaintiff's motion to compel has been rendered moot by defendants' re-service of their responses on plaintiff at the prison where he is currently incarcerated.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel (ECF No. 34) is denied as moot.

Dated: April 25, 2018

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

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