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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK E. LEONARD,
Plaintiff,
v.
M. THOMPSON, et al.,
Defendants.

No. 2:16-cv-2767 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action. Plaintiff alleges an Eighth Amendment claim of failure to protect and a claim that his due process rights were violated in a disciplinary hearing. Plaintiff moves to compel defendants to respond to his discovery requests. In addition, he seeks the appointment of counsel for the limited purpose of defending him at a deposition.

In his motion to compel, dated January 17, 2018, plaintiff states that he sent discovery requests to defendants on November 29, 2017 and December 3, 2017 and has not received responses. (ECF No. 35.) In their opposition, defendants state that they responded to the discovery requests on January 18, 2018. Plaintiff did not file a reply to defendants' opposition. Accordingly, the court will assume plaintiff has received responses to his discovery requests and his motion is now moot. It will be denied on that ground.


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In his motion for the appointment of counsel, plaintiff asks the court to appoint him counsel for the limited purpose of defending him when he is deposed on February 23, 2018. (ECF No. 36.) Because that date has passed, the court finds this motion is also moot.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motions to compel (ECF No. 35) and for the appointment of counsel (ECF No. 36) are denied.

Dated: March 8, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DB/orders/prisoner-civil rights/leon2767.31