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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYDE HOLLIS HARRIS,
Plaintiff,
v.
S. KERNAN, et al.,
Defendants.

No. 2:17-cv-0680 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. This action proceeds on plaintiff's Eighth Amendment medical claims against defendant Dr. Kuersten. (ECF No. 22 at 9-10.) Two motions filed by plaintiff are pending.

Motion for Clarification

First, plaintiff seeks clarification of the court's July 29, 2019 order, objecting that defendant failed to respond to plaintiff's motion to compel (ECF No. 63) within 45 days, and argues that any opposition to the motion should be deemed waived. Plaintiff's motion was signed and presented to prison staff for mailing on August 8, 2019. (ECF No. 72.)

Good cause appearing, plaintiff's motion for clarification is granted. At the time plaintiff filed his motion to compel, discovery was closed, which is why plaintiff was required to file a motion to extend the discovery deadline (ECF No. 62). Litigants are not required to oppose motions to compel filed after the discovery deadline expires.

1 Plaintiff's motion to extend the deadline was granted, and, in turn, defendant was granted
2 thirty days in which to file an opposition. Defendant's opposition was timely-filed on August 29,
3 2019. (ECF No. 70.) Plaintiff's reply was due on September 5, 2019. Local Rule 230(l). On
4 September 10, 2019, the court denied plaintiff's motion to compel (ECF No. 63).

5 Because defendant's opposition was timely, no waiver occurred.

6 Motion for Extension

7 On September 16, 2019, plaintiff filed a request for extension of time in which to respond
8 to defendant's response to the court's August 1, 2019 order, as well as to file a reply to
9 defendant's opposition to plaintiff's motion to compel further discovery responses (ECF No. 63).
10 As set forth above, the court has ruled on plaintiff's motion to compel. Therefore, plaintiff's
11 request for extension of time to file a reply is denied.

12 Plaintiff is granted fourteen days in which to respond to defendant's response to the
13 court's August 1, 2019 order. (ECF No. 71.) At that time, the court will re-set the pretrial
14 motions deadline. The parties are reminded that discovery is now closed.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion for clarification (ECF No. 72) is granted; and
17 2. Plaintiff's motion for extension of time (ECF No. 74) is granted in part; within
18 fourteen days from the date of this order, plaintiff may file a reply to defendant's response (ECF
19 No. 71).

20 Dated: September 18, 2019

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE

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