

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON FIELDS,

Plaintiff,

v.

E.F. CASTRILLO,

Defendant.

No. 2:17-cv-1068 AC P

ORDER and

AMENDED DISCOVERY AND

SCHEDULING ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. On March 13, 2018, plaintiff filed a motion to compel sole defendant Castrillo to respond to plaintiff’s discovery requests served January 11, 2018, and for monetary sanctions. See ECF No. 27. On March 21, 2018, defendant’s counsel filed a statement of non-opposition to plaintiff’s motion, acknowledging that defendant’s responses were due on February 28, 2018, but that counsel had inadvertently failed to timely prepare and serve the responses because she was in trial at the time. See ECF No. 29; see also ECF No. 28 at 2-3 (counsel’s declaration). Counsel avers that when she received plaintiff’s motion on March 14, 2018, she immediately contacted defendant and the Litigation Coordinator at the California Medical Facility to obtain the requested documents and prepare defendant’s responses. ECF No. 28 at 3, ¶ 12. The responses were served on plaintiff on March 21, 2018, concurrently with defense counsel’s instant request for an extension of time *nunc pro tunc* to respond to plaintiff’s

1 discovery requests and for the denial of plaintiff's discovery motion as moot. Id.

2 For good cause shown, IT IS HEREBY ORDERED that:

3 1. Defendant's request for extended time to respond to plaintiff's discovery requests  
4 served January 11, 2018, ECF No. 28, is GRANTED *nunc pro tunc*; defendant's responses served  
5 March 21, 2018, are deemed timely.

6 2. Plaintiff's motion to compel discovery and for sanctions, ECF No. 27, is DENIED as  
7 moot.


8 3. The deadlines for discovery and dispositive motions set forth in the Discovery and  
9 Scheduling Order filed December 27, 2017, see ECF No. 19 at 5, ¶¶ 6-7, are each extended by  
10 one month and modified as follows:

11 6. **The parties may conduct discovery until May 25, 2018.** Any motions necessary to  
12 compel discovery shall be filed by that date. All requests for discovery pursuant to Fed. R.  
13 Civ. P. 31, 33, 34 or 36 shall be served not later than **sixty days** prior to that date.

14 7. **All pretrial motions, except motions to compel discovery, shall be filed on or**  
15 **before August 24, 2018.** Motions shall be briefed in accordance with paragraph 8 of this  
16 court's order filed October 19, 2017.

17 IT SO ORDERED.

18 DATED: March 22, 2018

19   
20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28