1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 LANCE WILLIAMS, No. 2:17-cv-1884 TLN SCR P 12 Plaintiff. 13 v. **ORDER** 14 ROMERO, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. Plaintiff has filed a "Motion to grant default victory." (ECF No. 207.) Plaintiff asks for 18 19 judgment to be entered in his favor due to defendants' failure to respond to discovery he 20 propounded on July 18, 2024. 21 Based on defendants' addition of a witness, Michael Orlandi, the court permitted plaintiff 22 to conduct discovery regarding Mr. Orlandi through August 30. (ECF Nos. 202, 204.) As set out in the court's Discovery and Scheduling Orders, discovery should have been propounded so that 23 24 responses were received fifteen days prior to the discovery deadline. (ECF No. 50 at 5; ECF No. 123 at 6.) Responses to discovery were due within forty-five days of service of the discovery 25 26 requests. Therefore, even giving plaintiff some leeway due to his pro se status, plaintiff should 27 have served defendants with discovery no later than July 16 so that their responses were due by 28 August 30. Further, the discovery deadline includes filing any motions to compel discovery. 1

(Id.) If defendants failed to respond to discovery, plaintiff's remedy was a motion to compel defendants to respond. See Fed. R. Civ. P. 37. Plaintiff is obviously aware of that requirement. He has filed multiple motions to compel in this case. (See ECF Nos. 60, 71, 137.) Plaintiff's challenge to defendants' alleged failure to respond to discovery is untimely and judgment will not be entered in plaintiff's failure on that basis. Accordingly, IT IS HEREBY ORDERED that plaintiff's "Motion to grant default victory" (ECF No. 207) is denied. Dated: November 22, 2024 SEAN C. RIORDAN UNITED STATES MAGISTRATE JUDGE