1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TEVIN LEE HARRIS, No. 2: 19-cv-1751 JAM KJN P 12 Plaintiff. 13 **ORDER** v. 14 R. VALENCIA, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant 18 to 42 U.S.C. § 1983. Several matters are pending before the court. 19 Plaintiff's Objections, Motion to Compel and Motion for Sanctions (ECF No. 84) 20 On September 3, 2021, defendant filed a motion for an extension of time to respond to 21 plaintiff's first set of interrogatories. (ECF No. 76.) On September 9, 2021, the undersigned 22 granted defendant's motion for extension of time and ordered defendant to respond to the 23 interrogatories by September 28, 2021. (ECF No. 78.) In the pending objections, plaintiff objects to defendant's request for an extension of time 24 25 to respond to his interrogatories. Plaintiff also requests that the court "invoke a sanction or 26 sanctions that prohibits the defendant with counsel from stooping to unprofessional, inadequate 27 and prejudicial disingenuous act of any litigation misconduct..." (ECF No. 84 at 1.) Plaintiff 28 also argues that defendant should be compelled to respond to his interrogatories. (<u>Id.</u> at 1-2.) 1

Plaintiff argues that defendant should be prohibited from serving him with vague and non-responsive responses to his interrogatories. (<u>Id.</u> at 2.)

Having considered plaintiff's objections to defendant's request for extension of time to respond to his interrogatories, the September 9, 2021 order granting defendant's request for extension of time is affirmed.

Plaintiff's motion to compel and motion for sanctions are related to defendant's response to his interrogatories. However, it is clear that plaintiff filed the motion for sanctions and motion to compel before receiving defendant's response to his interrogatories. For this reason, plaintiff's motion for sanctions and motion to compel defendant to provide adequate responses to his interrogatories are premature. Plaintiff may file a motion to compel, and for sanctions if appropriate, if he is dissatisfied with defendant's responses to his interrogatories.

Plaintiff's Objections to Defendant's Motion to Depose Plaintiff by Remote Means (ECF Nos. 86, 87)

On October 1, 2021, defendant filed a motion to depose plaintiff by remote means. (ECF No. 82.) On October 5, 2021, the undersigned granted this motion. (ECF No. 83.)

On October 12, 2021 and October 15, 2021, plaintiff filed objections to defendant's motion to depose him by remote means. (ECF Nos. 86, 87.) After considering plaintiff's objections, the undersigned affirms the October 5, 2021 order granting defendant's motion to depose plaintiff by remote means.

<u>Plaintiff's Motion for Extension of Time to Respond to Defendant's Interrogatories (ECF No. 85)</u>

Plaintiff requests an extension of time to respond to defendant's interrogatories. Plaintiff alleges that he received the interrogatories (set one) on September 9, 2021. Plaintiff alleges that his responses are due on October 25, 2021. Plaintiff requests until November 23, 2021 to respond to defendant's interrogatories. However, plaintiff also alleges that he responded to defendant's interrogatories on September 26, 2021. Plaintiff alleges that he is seeking an extension of time to respond to defendant's request for production of documents (set one).

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In an abundance of caution, plaintiff is granted an extension until November 23, 2021, to serve defendant with his responses to defendant's interrogatories (set one) and request for production of documents (set one). Accordingly, IT IS HEREBY ORDERED that: 1. The September 9, 2021 order granting defendant's motion for an extension of time to respond to plaintiff's interrogatories is affirmed; 2. Plaintiff's motion to compel and motion for sanctions (ECF No. 84) are denied as premature; 3. The October 5, 2021 order granting defendant's motion to depose plaintiff by remote means is affirmed; 4. Plaintiff's motion for an extension of time to respond to defendant's interrogatories (set one) and request for production of documents (set one) (ECF No. 85) is granted; plaintiff shall serve defendant with his responses to these discovery requests on or before November 23, 2021. Dated: October 19, 2021 UNITED STATES MAGISTRATE JUDGE Harr1751.ext