

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
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK FAHY,

Plaintiff,

v.

ORPHEOS TARBOX ET AL.,

Defendants.

No. C-09-01420 MMC (DMR)

**ORDER DENYING PLAINTIFF'S
MOTION FOR AN ORDER
SHORTENING TIME AND DENYING
PLAINTIFF'S MOTION FOR AN
ORDER DEEMING REQUESTS FOR
ADMISSIONS AS ADMITTED**

The Court is in receipt of *pro se* Plaintiff Frank Fahy's motion requesting that his first set of requests for admissions propounded on *pro se* Defendant Alec Steiner be deemed admitted due to Steiner's failure to respond to them and accompanying Motion for an Order Shortening Time on the motion. *See* Docket Nos. 180 & 182.

Pursuant to Federal Rule of Civil Procedure 36(a)(3), "[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." Therefore, assuming there are no problems with Plaintiff Fahy's discovery requests (for example, assuming they were properly served), the effect of Mr. Steiner's failure to respond is determined by the rule itself. In other words, Rule 36(a)(3) is self-executing. No court order deeming the requests admitted is required. Accordingly, Plaintiff's motion is DENIED without prejudice as moot.

IT IS SO ORDERED.

United States District Court
For the Northern District of California

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

Dated: April 22, 2011

