

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 RICHARD GLEN COLTER,

No. C 10-5759 CW

5 Plaintiff,

ORDER DENYING
PLAINTIFF'S MOTION
FOR DISCOVERY,
ADMISSIONS AND
INTERROGATORIES
(Docket No. 23)

6 v.

7 QUENTIN KOPP, et al.,

8 Defendants.

9
10 _____/
11 Plaintiff Richard Glen Colter's Motion for Discovery,
12 Admissions and Interrogatories, filed November 14, 2011, is DENIED
13 WITHOUT PREJUDICE as premature. It appears from the face of the
14 motion that it was filed at the same time Plaintiff first
15 presented the discovery request to Defendants. Plaintiff must
16 give Defendants an opportunity to respond to the discovery
17 request, Fed. R. Civ. P. 34(b) (opposing party has thirty days to
18 respond to request for production of documents), and only if they
19 fail to fully respond within the time permitted by federal
20 discovery rules should he file a motion to compel. See Fed. R.
21 Civ. P. 37.

22 IT IS SO ORDERED.

23 Dated: 12/5/2011

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25 _____
26 CLAUDIA WILKEN
27 United States District Judge
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