

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

**\*E-FILED - 4/15/09\***

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

BARTOLO MULLEN,	)	No. C 03-3676 RMW (PR)
	)	
Plaintiff,	)	ORDER GRANTING
	)	DEFENDANTS' MOTION TO
v.	)	COMPEL DISCOVERY;
	)	GRANTING DEFENDANTS'
STEPHEN SURTSHIN, et al.,	)	MOTION FOR EXTENSION
	)	OF TIME
Defendants.	)	
_____	)	(Docket Nos. 103, 105, 106)

Plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against defendants concerning the conditions of his confinement. Defendants Blakemore and Mudgett move to compel plaintiff to respond to discovery requests. Plaintiff filed a preliminary response. Further, all defendants move for an extension of time to file their motions for summary judgment, which plaintiff does not oppose. For the reasons stated below, the court GRANTS defendants' motion to compel, and defendants' motion for extension of time.

In their motion to compel, defendants Blakemore and Mudgett outline the steps they have taken, pursuant to Federal Rule of Civil Procedure 37, to procure plaintiff's responses to discovery. Plaintiff responds that he has explained to defendants that his "notes, records, and evidence" have been confiscated and he needs those documents before he can make statements or comply with discovery requests. Plaintiff has had these discovery requests for over three

1 months now and plaintiff's case has been pending for more than five years. Defendants' motion  
2 to compel responses to discovery is GRANTED. Plaintiff shall respond to the interrogatories  
3 and request for documents to the best of his ability within **thirty days** from the filing date of this  
4 order. In light of plaintiff's in forma pauperis and detention status, defendants' motion for  
5 sanctions is DENIED without prejudice to re-filing.

6 In addition, good cause having been shown, defendants' motions for extension of time is  
7 GRANTED. Defendants shall file a motion for summary judgment, or notify the court that they  
8 are of the opinion that this case cannot be resolved by such a motion, **no later than June 1,**  
9 **2009.** No further extensions of time will be granted. If defendants file a motion for summary  
10 judgment, plaintiff shall file his opposition within **thirty days** of the filing date of the motion.  
11 Any reply shall be filed **fifteen days** thereafter.

#### 12 CONCLUSION

13 1. Defendants' motion to compel responses to discovery is GRANTED (docket no.  
14 103). Plaintiff shall respond to defendants' discovery requests within **thirty days** from the filing  
15 date of this order. Defendants' request for sanctions is DENIED.

16 2. Defendants' second motions for extensions of time to file a motion for summary  
17 judgment (docket nos. 105, 106) is GRANTED. Defendants' motions for summary judgment is  
18 due **no later than June 1, 2009.**

19 3. It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the court  
20 and all parties informed of any change of address and must comply with the court's orders in a  
21 timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute  
22 pursuant to Federal Rule of Civil Procedure 41(b).

23 This order terminates docket nos. 103, 105, and 106.

24 IT IS SO ORDERED.

25 DATED: 4/14/09

26   
27 RONALD M. WHYTE  
28 United States District Judge