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E-FILED 03-02-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GARY HOWARD KIDGELL,

No. C08-03396 JW (HRL)

Plaintiff,

**ORDER GRANTING DEFENDANT
COUNTY OF SANTA CLARA'S
MOTION TO COMPEL**

v.

[Re: Docket No. 62]

COUNTY OF SANTA CLARA, COUNTY OF
SANTA CLARA SHERIFF'S DEPT.;
COUNTY OF SANTA CLARA OFFICERS
WHEELER #2595, QUIRO #2705,
CUNNINGHAM #2699, TAIARIOL #2701,
ROGGY #2365, ROHDES #1712, HELIKSON
#2016, ASBAN #1939, DEPUTY MORIN
#0321; DEPARTMENT OF CORRECTION
STAFF LOUELLA MANZANO AND DOES 1
through 50,

Defendants.

Defendant County of Santa Clara ("County") moves for an order compelling pro se plaintiff Gary Kidgell to produce documents. This court has not received any opposition to that motion. And, on February 22, 2010, this court issued an interim order (Docket No. 78) (a) directing the County to file a status report on March 1, 2010 as to the discovery sought; and (b) stating that the matter would then be deemed submitted on the papers.

As noted in this court's interim order, it appears that there is no dispute as to whether and what documents should be produced. The only question is *when* plaintiff should produce (or should have already produced) them. The County reports that plaintiff still has not produced

1 the promised documents that he reportedly agreed to provide by January 27, 2010 and February
2 28, 2010. Accordingly, the County's motion is granted as follows: within ten days from the
3 date of this order, plaintiff shall produce the outstanding documents responsive to the County's
4 requests — i.e., his email communications with his clients and his 2006, 2007 and 2008 tax
5 returns.

6 SO ORDERED.

7 Dated: March 2, 2010

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9 _____
10 HOWARD R. LLOYD
11 UNITED STATES MAGISTRATE JUDGE
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1 5:08-cv-03396-JW Notice electronically mailed to:

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5 Counsel are responsible for distributing copies of this document to co-counsel who have not
6 registered for e-filing under the court's CM/ECF program.

7 5:08-cv-03396-JW Notice mailed to:

8 Gary Howard Kidgell
9 228 Spruce Street
10 Wichita, KS 67214

11 Pro Se Plaintiff

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