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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 CHRISTOPHER M. MENDOZA,
12 Plaintiff,
13 v.
14 DOE #1, et al.,
15 Defendants.

Case No.: 16cv2184 WQH (BGS)

ORDER:

**(1) GRANTING REQUEST FOR
COPY OF ECF NO 54
(2) SETTING DEADLINE FOR
DEFENDANT TO RESPOND TO
MOTION TO COMPEL RESPONSE
TO REQUEST FOR ADMISSIONS
(3) CONTINUING MANDATORY
SETTLEMENT CONFERENCE TO
AUGUST 16, 2018**

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22 Plaintiff Christopher M. Mendoza has submitted a number of filings to the Court.
23 (ECF Nos. 65, 67, 69, 71.) The Court addresses the issues raised in the filings as set forth
24 below.

25 **I. Plaintiff’s Ex Parte Motion Without Hearing from All Sides [ECF No. 65]**

26 Plaintiff has submitted a document titled “Plaintiff’s Ex Parte Motion Without
27 Hearing from All Sides.” (ECF 65.) It appears Plaintiff is requesting a copy of
28 Defendant Deputy Ancho’s Opposition to Plaintiff’s pending Motion to Compel and

1 verification of the date of the Mandatory Settlement Conference. Plaintiff also references
2 needing his filings served on Defendant.

3 Plaintiff's request for a copy of Defendant's Opposition to the Motion to Compel is
4 **GRANTED**. In conjunction with the mailing of this Order to Plaintiff, the Clerk shall
5 include a copy of ECF No. 54, Defendant's Response in Opposition to Plaintiff's Motion
6 to Compel. As to Plaintiff's reference to serving Defendant with his filings, it is
7 Plaintiff's responsibility to serve Defendant with any of his filings by mail. The Court's
8 September 6, 2016 Order mandates that "Plaintiff must serve upon the Defendants or, if
9 appearance has been entered by counsel, upon Defendants' counsel, a copy of every
10 further pleading or other document submitted for consideration by the Court." (ECF 3 at
11 6.) It further requires that "Plaintiff must include with the original paper to be filed with
12 the Clerk of the Court, a certificate stating the manner in which a true and correct copy of
13 the document was served on the Defendants, or counsel for Defendants, and the date of
14 the service."¹ (*Id.*) Plaintiff's failure to comply may result in the document being
15 disregarded. (*Id.*) The Mandatory Settlement Conference is addressed below.

16 **II. Letter and Ex Parte Motion for MSC [ECF Nos. 69, 67]**

17 Plaintiff has submitted a portion, one page, of an unsigned Declaration of
18 Defendant's counsel. (ECF 69.)² Plaintiff appears to argue that Defendant's mailing of a
19 letter to him regarding the Rule 26(f) conference in October of 2017 provided insufficient
20 time for him to respond. (*Id.*) Similarly, Plaintiff has filed an "Ex Parte Motion in For
21 the MSC" in which he also raises an issue regarding delays in the mail in September and
22 October 2017 and notes his unsuccessful efforts to contact Defendant's counsel by phone
23 in this time frame. (ECF 67.) In this same filing, Plaintiff makes reference to the
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26 ¹ The Court notes that some of Plaintiff's mailings to the Court include a document
27 captioned "proof of service," but do not indicate that the document has been served on
28 the Defendant by mailing it to the Defendant.

² A complete and signed version of this Declaration was submitted in support of
Defendant's Proposed Discovery Plan.

1 upcoming Mandatory Settlement Conference. (*Id.*)

2 As to communications between the parties regarding the Rule 26(f) conference,
3 whether by phone or mail, in 2017, it is unclear why Plaintiff is raising this issue more
4 than eight months later. Accordingly, there is no action for the Court to take. To the
5 extent Plaintiff is seeking some relief from the Court related to this, he must file a motion
6 explaining what relief he is seeking from the Court that explains why he is entitled to the
7 relief requested. To the extent this relates to a matter already pending before the Court,
8 Plaintiff must identify in the caption what matter it relates to and explain in the filing why
9 the Court should consider it for that purpose.

10 As to Plaintiff's inquiry regarding the Mandatory Settlement Conference, the Court
11 has rescheduled it as set forth below.

12 **III. Plaintiff's First Request for Admissions [ECF 71]**

13 Plaintiff has submitted a filing captioned Plaintiff's First Request for Admissions.
14 (ECF 71.) The caption would suggest that Plaintiff is again improperly submitting his
15 discovery requests for Defendant to the Court, however, the substance of the document,
16 particularly on page two, suggests that Plaintiff is seeking to compel a response to his
17 First Request for Admissions. (ECF 71 at 2 ("Memorandum of Points and Authorities in
18 Support of Motion for Admissions.")) Given the foregoing, the Court orders Defendant
19 to file a response to it by **August 1, 2018**.

20 **IV. Mandatory Settlement Conference**

21 Given Plaintiff's concerns regarding the date of the Mandatory Settlement
22 Conference, the Mandatory Settlement Conference is continued to **August 16, 2018 at**
23 **10:00 a.m.** As indicated in the Court's September 17, 2017 Order, counsel for Defendant
24 shall coordinate the arrangements for Plaintiff's telephonic appearance at the Mandatory
25 Settlement Conference.

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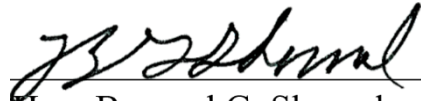
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1 **CONCLUSION**

2 The Clerk shall mail a copy of ECF No. 54, Defendant's Response in Opposition
3 to Plaintiff's Motion to Compel, to Plaintiff with this Order. Defendant shall file a
4 response to Plaintiff's First Request for Admissions by August 1, 2018.

5 **IT IS SO ORDERED.**

6 Dated: July 17, 2018

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8 Hon. Bernard G. Skomal
9 United States Magistrate Judge
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