

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHRIS HAROLD CAVE,  
Plaintiff,  
vs.  
JPM CHASE BANK INVESTMENTS  
DIVISION, *et al.*,  
Defendants.

Case No. 2:16-cv-01806-RFB-GWF  
**ORDER**

This matter is before the Court on Plaintiff’s Petition to Compel Production of Answers to Interrogatories (ECF No. 27), filed on October 18, 2016. Defendant JPMorgan Chase Bank, N.A. (“JPMorgan”) filed its Opposition (ECF No. 32) on November 4, 2016.

Although Courts broadly construe pleadings filed by pro se litigants, even pro se litigants must comply with the Federal Rules of Civil Procedure. *See Balistreri v. Pacifica Police Dep’t.*, 901 F.2d 696, 699 (9th Cir.1990); *see also Carter v. Comm’r of Internal Revenue*, 784 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986). Pro se litigants are not treated more favorably than parties with attorneys of record and are expected to abide by the rules of the court in which litigation proceeds. *Carter*, 784 F.2d at 1008. Pleadings by pro se litigants, regardless of deficiencies, should only be judged by function, not form. *Haines v. Kerner*, 404 U.S. 519, 521 (1972).


Even broadly construed, Plaintiff’s motion fails procedurally and is not coherent. First, Plaintiff has not shown that he served written discovery upon Defendant JPMorgan. Second, the meet and confer requirements in Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule (“LR”) 26-7(b) require the moving party to confer or attempt to confer in person, or at least by telephone, with the opposing party in a good faith effort to resolve the discovery dispute prior to filing a motion to compel. *Shuffle Master v. Progressive Games*, 170 F.R.D. 166, 171 (D.Nev. 1996).

1 Plaintiff failed to show that he complied with these requirements prior to filing his motion.

2 The Court granted Defendant JPMorgan’s Motion to Stay discovery pending a ruling on its  
3 Motion to Dismiss (ECF No. 18) on October 12, 2016. Plaintiff’s Petition to Compel the Production of  
4 Answers to Interrogatories is therefore moot. Based on these reasons, the Court denies Plaintiff’s  
5 Petition to Compel Production of Answers to Interrogatories. Accordingly,

6 **IT IS HEREBY ORDERED** that Plaintiff’s Petition to Compel Production of Answers to  
7 Interrogatories (ECF No. 27) is **denied**.

8 DATED this 2nd day of December, 2016.

9  
10   
11 GEORGE FOLEY, JR.  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28