

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

“ROCKY” ROQUE DE LA FUENTE GUERRA,

Plaintiff,

vs.

1:16-cv-00393-RB-LF

MAGGIE TOULOUSE OLIVER,  
New Mexico Secretary of State,

Defendant.

**ORDER DENYING AS MOOT MOTION TO COMPEL DISCOVERY (Doc. 42)**

THIS MATTER comes before the Court on defendant’s Motion to Compel Discovery (Doc. 42). Plaintiff filed a response (Doc. 43), and the time for defendant to file a reply has now passed. Having reviewed the motion, response, and the applicable law, the Court finds the motion moot, and it will be DENIED.

In the motion to compel, defendant asks the Court to require plaintiff to answer Defendant’s First Set of Interrogatories and First Set of Requests for Production of Documents. Doc. 42 at 1. Defendant’s counsel admits in the motion that he conferred with plaintiff’s attorney Paul Rossi, and agreed not to file the motion to compel as long as plaintiff produced answers and responses by the close of business on Friday, April 21, 2017. *Id.* at 2. In the response, Mr. Rossi states that he delivered plaintiff’s answers and responses at 12:30 p.m. on April 21, 2017—before the agreed-upon deadline.<sup>1</sup> The Court therefore finds the Motion to Compel moot, and declines to award attorney fees and costs.

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<sup>1</sup> The Albuquerque Attorney General’s Office accepted service of the answers and responses, and advised Mr. Rossi that they would notify Mr. Lange of this fact. *See* Doc. 43 at 2. It appears that this notification was not timely made.

IT IS THEREFORE ORDERED that defendant's Motion to Compel Discovery is DENIED AS MOOT.



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Laura Fashing  
United States Magistrate Judge