
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TROY MICHAEL KELL,
Petitioner,

v.

SCOTT CROWTHER, WARDEN, UTAH
STATE PRISON;

Respondent.

MEMORANDUM DECISION AND
ORDER

2:07-CV-00359-CW-PMW

District Judge Clark Waddoups

Magistrate Judge Paul M. Warner

District Judge Clark Waddoups referred this matter to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(A).¹ Before the court is a motion by Petitioner Troy Michael Kell (“Petitioner”) to further extend discovery deadlines by six months.² Pursuant to civil rule 7-1(f) of the United States District Court for the District of Utah Rules of Practice, the court elects to determine the motion on the basis of the written memoranda and finds that oral argument would not be helpful and is not necessary. *See* DUCivR 7-1(f).

Petitioner seeks a 181-day extension of the deadline to complete document production, from May 31, 2016 to November 28, 2016. He also requests a concomitant extension of the deadline for completing depositions to January 27, 2017. These extensions are on top of prior discovery extensions totaling over a year. Respondent notes that, with the exception of documents from the Utah Department of Corrections (“UDC”) that are the subject of a pending motion, Respondent produced all relevant documents as of November 3, 2015.

¹ Docket no. 78.

² Docket no. 187.

Plaintiff has not shown good cause for yet another extension. Similarly, Petitioner has shown neither actual prejudice in not granting the extension, nor an inability to complete discovery by the deadline despite Petitioner's diligence. Petitioner has had more than sufficient time to engage in discovery and has not established the necessity for more discovery or delay. Accordingly, Petitioner's motion is **DENIED**. The document production deadline remains unchanged. Further, it is **ORDERED** that the deadline for taking depositions is hereby set for September 18, 2016.

The court recently ordered further briefing on the motion to quash the subpoena seeking UDC documents.³ Depending on the outcome of that motion, the court may grant a short extension of time for the limited purpose of addressing discovery issues solely related to those documents.

IT IS SO ORDERED.

DATED this 19th day of July, 2016.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

³ Docket no. 191.