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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RICKY ANTHONY YOUNG,

11 Plaintiff,

12 v.

13 SCOTT RUSSELL et al.,

14 Defendants.

CASE NO. C13-05079 BHS-JRC

ORDER DENYING PLAINTIFF'S
MOTION "DISQUALIFYING"
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

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16 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
18 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

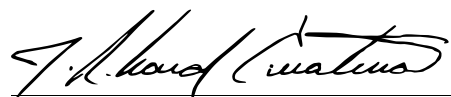
19 Plaintiff asks the Court to deny or "disqualify" defendants' motion for summary
20 judgment (ECF No. 84). The Court DENIES the motion. Plaintiff originally argued that
21 defendants' motion was untimely. Plaintiff has withdrawn that argument after receiving
22 defendants' response noting that the Court had extended the dispositive motions cutoff date
23 when it granted him additional time to conduct discovery (ECF No. 59).

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FOR SUMMARY JUDGMENT - 1

1 Plaintiff's second argument is that the defendants should have waited to see if plaintiff's
2 appeal to the district court judge from the denial of his motions to stay discovery would be
3 granted (ECF No. 91). The Court is not aware of any court rule or case holding that defendants
4 must wait to file a summary judgment motion. Further, there is nothing guaranteeing that
5 plaintiff's appeal would be addressed before the dispositive motion cutoff date. Plaintiff
6 continues to argue he lacks sufficient typing paper and that he has not received all of the
7 discovery he believes he is entitled to receive. The Court has previously ruled on these issues.
8 (ECF No. 91). The Court disagrees with plaintiff over the amount of paper necessary to conduct
9 discovery. The Court finds that 200 pages of paper every other week is more than adequate to
10 prosecute this action. Further, the Court granted plaintiff a two month extension of the discovery
11 deadline (ECF No. 59). In addition, the Court ordered the parties to confer regarding discovery
12 when plaintiff filed a motion to compel (ECF No. 60). The Court ordered the conference even
13 though plaintiff's motion to compel did not comply with Fed. R. Civ. P. 37. The Court later
14 found that the amount of time defendants' counsel allotted to the conference was more than
15 adequate to comply with the Court's order (ECF No. 89).

16 Discovery is now closed with the exception of the discovery plaintiff has served on
17 defendant Anderson. Further, the time for filing a response to defendants' motion for summary
18 judgment has elapsed. The Court finds no reason to further delay consideration of defendants'
19 motion for summary judgment.

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21 Dated this 18th day of November, 2013.

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24 J. Richard Creatura
United States Magistrate Judge