UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD STOCKMYER,

Plaintiff,

v.

ADMIRE, et al.,

Defendants.

CASE NO. 3:16-CV-05681-RBL-DWC

ORDER DENYING MOTION TO COMPEL

The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Presently before the Court is Plaintiff Donald Stockmyer's Motion requesting the Court compel discovery. Dkt. 42.[1] The Court concludes Plaintiff failed to comply with Rule 37 and failed to timely file the Motion. Accordingly, the Motion (Dkt.42) is denied.

Pursuant to Federal Rule of Civil Procedure 37(a)(1):

> . . . On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person

[1] Also before the Court is Defendants Admire, Tanja Cain, Michael Hotlhe, Klepps, and Julie Smith's Motion for Summary Judgment, which became ready for the Court's consideration on July 14, 2017. Dkt. 43. Because Defendants Joni Ayeki and Dail Caldwell have just been served, the Court anticipates the Motion for Summary Judgment will be re-noted.

> or party failing to make disclosure or discovery in an effort to obtain it without court action.

See also Dkt. 26; LCR 37(a)(1). Here, Plaintiff is moving for a Court order compelling Defendants to answer interrogatories and produce documents. Dkt. 42. Plaintiff, however, failed to certify he conferred or attempted to confer with Defendants' counsel regarding the requested discovery. *See id*. Therefore, Plaintiff has not complied with Rule 37.

Further, Plaintiff was required to file any motion to compel no later than May 4, 2017. *See* Dkt. 26, p. 6. Plaintiff filed his Motion on June 13, 2017, which is more than a month after the deadline to file a motion to compel expired. Therefore, Plaintiff's Motion is untimely.

As Plaintiff has not complied with Rule 37 and as he did not timely file the Motion, the Motion (Dkt. 42) is denied.

Dated this 14th day of August, 2017.

David W. Christel
United States Magistrate Judge