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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAVIER CASTILLO,  
  
Plaintiff,  
  
v.  
  
CBCC SUPERINTENDENT, et al.,  
  
Defendants.

CASE NO. 3:17-cv-05701-RJB-JRC  
  
ORDER DENYING MOTION TO  
COMPEL

The District Court has referred this action, filed pursuant to 42 U.S.C. § 1983, to United States Magistrate Judge J. Richard Creatura. Plaintiff Javier Castillo has filed a “motion for order compelling discovery.” Dkt. 14.

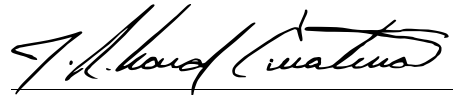
A motion to compel is appropriate to force an opposing party to make a disclosure pursuant to Federal Rule of Civil Procedure 26, or to respond to written or oral discovery requests. Fed. R. Civ. P. 37(a)(3). For purposes of such a motion, “an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.” Fed. R. Civ. P. 37(a)(4). Rule 37(a)(1) of the Federal Rules of Civil Procedure requires that a party

1 seeking to compel discovery include in the motion a certification that the moving party “has in  
2 good faith conferred or attempted to confer” with the party failing to make disclosures.

3 Plaintiff’s motion to compel does not actually request any discovery. *See* Dkt. 14. Rather,  
4 plaintiff provides a list of a number of documents that he has attached to his motion, seemingly  
5 in support of his complaint. Plaintiff has not alleged that defendants have failed to produce  
6 discovery and he has not explained whether he has provided them with any interrogatories or  
7 other discovery instruments. The Court is unclear what relief, if any, plaintiff seeks from the  
8 Court, but an order compelling discovery is not the appropriate remedy.

9 As such, the motion for an order compelling discovery (Dkt. 14) is denied.

10 Dated this 18th day of May, 2018.

11 

12 J. Richard Creatura  
13 United States Magistrate Judge