UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ARMENTA, Plaintiff, v. SANJAY SHAH, Defendant.	Case No. 2:22-cv-0415-TLN-JDP (P) ORDER

Defendant Sanjay Shah ("defendant") has filed a motion seeking to have his requests for admission ("RFA") deemed admitted by plaintiff's failure to serve timely responses to those requests. ECF No. 92. Plaintiff has filed an opposition, ECF No. 93, and defendant has filed a reply, ECF No. 96. The motion is granted.

RFAs are deemed admitted if not answered within thirty days (unless a different deadline has been set by the court). Fed. R. Civ. P. 36(a)(3). Here, defendant served plaintiff with his RFAs, set one, on September 30, 2024. ECF No. 92-2 at 2, 9. Plaintiff refused to respond, contending that the discovery request was untimely. *Id.* at 25. Defendant ultimately filed a motion to compel plaintiff's response, ECF No. 65, which I granted, ECF No. 69.

Defendant's motion is granted because, under Rule 36, the failure to timely respond to

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RFAs automatically deems the requested items admitted. *See Hadley v. United States*, 45 F.3d 1345, 1348 (9th Cir. 1995) ("Under Rule 36(a) of the Federal Rules of Civil Procedure, if a party fails to answer a request for admissions within 30 days, the requested items are deemed admitted."). To withdraw or amend admission, the affected party must file a motion. *See* Fed. R. Civ. P. 36(b) ("A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended."). To date, plaintiff has not moved to withdraw the admitted RFAs.

Accordingly, it is ORDERED that defendant's motion, ECF No. 92, is GRANTED and the fourteen matters specified in defendant's RFA, set one, contained at ECF No. 92-2 at 6-8 are deemed admitted.

IT IS SO ORDERED.

Dated: June 17, 2026

JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE