UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL S. BAREFIELD, SR., Plaintiff, v. KATHLEEN ALLISON, et al., Defendants.	No. 2:23-cv-01312-DC-EFB (PC) ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 18 U.S.C. § 1983. On September 2, 2025, plaintiff filed a motion to compel, ECF No. 28, to which defendant Gibbs has filed an opposition. ECF No. 29. On October 31, 2025, defendant Gibbs filed a motion for summary judgment, ECF No. 31, and, on December 1, 2025, plaintiff requested an extension of time to file an opposition to the motion for summary judgment. ECF No. 32. Defendant has filed no opposition to that request. For the reasons stated herein, the court denies the motion to compel and grants plaintiff twenty-one days from the date of this order to file an opposition brief to defendant's summary judgment motion.

On April 7, 2025, the court issued a scheduling order in this case, which included the provision that all requests for discovery pursuant to Federal Rules of Civil Procedure 31, 33, 34, or 36 be served on the opposing party no later than June 6, 2025. ECF No. 23 at 4. In his motion to compel, plaintiff represents that he served on defendant a request for production of documents

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on July 21, 2025, and, on July 29, 2025, a request for interrogatories. ECF No. 28 at 1-2; *see also* ECF No. 29 at 1 (defendant confirms same). Although plaintiff is a pro se litigant, "[p]ro se litigants must follow the same rules of procedure that govern other litigants." *King v. Atiyeh,* 814 F.2d 565, 567 (9th Cir. 1987). Here, plaintiff's requests were untimely under the deadline established by the court's scheduling order. Had plaintiff needed additional time to conduct discovery, the proper remedy would have been to seek an extension of the discovery deadline from the court under Federal Rule of Civil Procedure 16. Plaintiff has not done so. Accordingly, his motion to compel responses from defendant Gibbs must be denied.

In his December 1, 2025 motion for extension of time, plaintiff requested an extension of time to file an opposition to defendant's motion for summary judgment, on the basis of the court's having not yet ruled on plaintiff's motion to compel. As the instant order resolves that latter motion, plaintiff is granted twenty-one days from the date of this order to file an opposition brief to defendant Gibb's pending motion for summary judgment. *See* Local Rule 230(*l*).

Accordingly, it is HEREBY ORDERED THAT,

1. Plaintiff's motion to compel (ECF No. 28) is DENIED
2. Plaintiff's motion for an extension of time (ECF No. 32) is GRANTED. Plaintiff is granted 21 days from the date of this order to file an opposition brief to defendant's motion for summary judgment (ECF No. 31).

DATED: February 12, 2026

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE