

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joseph Townsend v. Parrish, et al.

Townsend v. Parrish · No. 2:22-cv-1278 DJC AC P · Decided January 8, 2026

SUMMARY

The United States District Court for the Eastern District of California grants defendants’ motion to compel discovery in Joseph Townsend’s 42 U.S.C. § 1983 action. The court denies plaintiff’s motion for a sixty-day extension, deems defendants’ requests for admissions admitted, orders plaintiff to respond to interrogatories and requests for production, and requires him to meaningfully participate in a deposition. The court withdraws its prior findings and recommendations for dismissal and establishes deadlines for discovery and pretrial motions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 8, 2026
DOCKET	2:22-cv-1278 DJC AC P
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the court addressed plaintiff's motion for an extension of time and defendants' motion to compel discovery.
STANDARD OF REVIEW	The court applied the good-cause standard for extensions of time and the Federal Rules of Civil Procedure governing discovery, depositions, and requests for admission.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- civil discovery

QUESTIONS PRESENTED

1. Whether plaintiff established good cause for a sixty-day extension of time to oppose defendants' motion to compel.
2. Whether defendants were entitled to an order compelling plaintiff to meaningfully participate in his deposition and respond to interrogatories and requests for production.
3. Whether defendants' requests for admission should be deemed admitted because plaintiff failed to respond timely.
4. What discovery and pretrial deadlines and consequences should govern the action after the motion to compel was granted.

HOLDINGS

1. Plaintiff failed to establish good cause for a sixty-day extension because he did not explain why he could not prepare an opposition before the accident or seek an extension earlier.
2. Defendants' motion to compel was granted. Plaintiff was required to meaningfully participate in a renewed deposition and respond to the interrogatories and requests for production after re-service.
3. Plaintiff could not refuse to answer deposition questions merely because he believed them irrelevant, beyond the scope, or previously asked and answered; he could refuse only on grounds authorized by Federal Rule of Civil Procedure 30(c)(2).
4. Defendants' requests for admission were deemed admitted because plaintiff failed to respond timely.

KEY QUOTATIONS

“Plaintiff has not established good cause for an extension because he does not explain what, if anything, prevented him from preparing an opposition before his accident on August 31, 2025, which was only two days before his deadline, nor does he explain how his accident, his homelessness, or subsequent incarceration prevented him from seeking an extension at an earlier date and/or preparing his opposition to defendants’ motion to compel.” (at 2)

“A deponent does not need to answer a question “only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d).”” (at 3)

“Plaintiff is warned that refusing to answer questions during his deposition based on improper objections, recklessly asserting non-applicable privilege to avoid answering questions, terminating a deposition where it is not warranted, and failing to respond to ROGs and RFPs will not be tolerated and may result in sanctions, including the termination of this action.” (at 4)

FACTUAL BACKGROUND

Plaintiff, a former state prisoner proceeding without counsel, failed to respond timely to defendants' interrogatories, requests for production, and requests for admission. Although plaintiff appeared for his deposition, defendants alleged that he refused to answer questions concerning his prior convictions and potential experts. Plaintiff attributed his delay to incarceration, an accident, homelessness, and rearrest, but did not explain why he could not have sought an extension or prepared an opposition earlier.

PROCEDURAL HISTORY

Defendants moved to compel plaintiff's deposition participation and written discovery responses and to deem requests for admission admitted. After plaintiff failed to timely oppose the motion, the court issued findings and recommendations recommending dismissal without prejudice for failure to prosecute. Plaintiff then moved for a sixty-day extension. The court denied the extension, withdrew the dismissal recommendation in light of plaintiff's reappearance, and granted defendants' motion to compel with specified discovery deadlines and warnings regarding sanctions.

DISPOSITION

other

CASES CITED

- Doe v. City of San Diego, No. 12-cv-0689 MMA (DHB), 2013 WL 6577065, at *5, 2013 U.S. Dist. LEXIS 179077, at *13 (S.D. Cal. Dec. 13, 2013)
- Covington v. Curtis, No. SA CV 12-1258 FMO (ANx), 2013 U.S. Dist. LEXIS 53406, at *6 (C.D. Cal. Apr. 12, 2013)
- Vasquez v. Leprino Foods Co., No. 1:17-cv-0796 AWI BAM, 2019 WL 1934015, at *2, 2019 U.S. Dist. 73777, at *14-15 (E.D. Cal. May 1, 2019)
- Moore v. Stepp, No. C 11-5395 CW PR, 2013 WL 1832640, at *4, 2013 U.S. Dist. LEXIS 62526, at *10 (N.D. Cal. May 1, 2013)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOSEPH TOWNSEND, No. 2:22-cv-1278 DJC AC P 12 Plaintiff, 13 v. ORDER 14 PARRISH, et al., 15 Defendants. 16 17 Plaintiff is a former state prisoner proceeding without counsel in a civil rights action 18 pursuant to 42 U.S.C. § 1983. Currently before the court are plaintiff’s motion for an extension 19 of time, and defendants’ motion to compel.

ECF No. 42, 49. 20 I. Pertinent Background 21 On August 8, 2025, defendants filed a motion to compel discovery and to deem requests 22 for admissions admitted. ECF No. 42. They also filed a motion for administrative relief seeking 23 to extend the time for defendants to file any necessary, further motions to compel and for all 24 parties to file pre-trial motions based on the resolution of defendants’ motion to compel.

ECF 25 No. 43. 26 On August 13, 2025, the court granted defendants’ motion for administrative relief. ECF 27 No. 45. In pertinent part, the order states the following: 28 //// 1 In the event Defendants’ motion to compel (ECF No. 42) is granted, Defendants may file and serve any necessary further motions to 2 compel Plaintiff’s deposition or responses to written discovery up

to, and including, 45-days from the date Plaintiff serves the court- 3 ordered discovery responses or completes his deposition, whichever is later.

All parties may file and serve pre-trial motions up to, and 4 including, 90-days from the date Plaintiff serves the court-ordered discovery responses or completes his deposition, whichever is later. 5 6 Id. at 1-2. 7 On October 30, 2025, after almost three months with no response or opposition to 8 defendants' motion to compel, the court issued an order requiring plaintiff to file and serve an 9 opposition or statement of non-opposition by November 20, 2025.

See ECF No. 47.1 Plaintiff 10 was warned that failure to comply would result in a recommendation that this action be dismissed 11 for failure to prosecute. Id.2 12 On December 8, 2025, more than two weeks after the new deadline, the undersigned 13 issued findings and recommendations recommending that this action be dismissed without 14 prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with 15 the court's order.

ECF No. 48. Plaintiff was given until December 22, 2025, to file objections. 16 See Id. at 2. 17 On December 29, 2025, plaintiff filed a motion for a sixty-day extension of time. ECF 18 No. 49. 19 II. Plaintiff's Motion for an Extension of Time (ECF No. 49) 20 Plaintiff's motion for an extension of time does not specify whether plaintiff seeks an 21 extension to respond to defendants' motion to compel or to file objections to the December 8, 22 2025, findings and recommendations.

See Id. It does, however, state that upon release, plaintiff 23 plans to file an opposition to the motion concerning his deposition. Accordingly, the court 24 construes plaintiff's motion as a motion for a sixty-day extension of time to file an opposition to 25 defendants' motion to compel. 26 27 1 Pursuant to Local Rule 230(l), an opposition was due September 2, 2025.

2 Plaintiff has received prior warnings that this action would be dismissed due to his for failure to 28 participate and comply with court orders. ECF Nos. 25, 27. 1 According to plaintiff, he seeks an extension because he was incarcerated in June 2025 2 due to a parole violation, he was struck by a vehicle on August 31, 2025, he then faced 3 homelessness and lived in a shelter and was rearrested on November 9, 2025.

Id. Plaintiff also 4 notes that he is set to be released on January 4, 2026. Id. 5 Plaintiff has not established good cause for an extension because he does not explain 6 what, if anything, prevented him from preparing an opposition before his accident on August 31, 7 2025, which was only two days before his deadline, nor does he explain how his accident, his 8 homelessness, or subsequent incarceration prevented him from seeking an extension at an earlier 9 date and/or preparing his opposition to defendants' motion to compel.

Five months is long 10 enough. 11 Accordingly, plaintiff's motion will be denied, and defendants' motion to compel will be 12 deemed unopposed. However, in light of plaintiff's reappearance and expressed intent to pursue 13 the case, the undersigned will withdraw the December 8, 2025,

findings and recommendations. 14 III. Defendants' Motion to Compel Discovery 15 Defendants' motion to compel discovery seeking an order to (1) compel plaintiff's 16 meaningful participation in his deposition, (2) compel responses to defendants' interrogatories 17 and requests for production of documents within forty-five days of the court's order compelling 18 responses, (3) deem defendants' requests for admissions admitted, and (4) warn plaintiff that his 19 case may be dismissed if he refuses to meaningfully participate in his deposition or respond to 20 written discovery.

ECF No. 42. Defendants claim that although plaintiff appeared for his 21 deposition, he refused to answer any questions about his prior convictions or potential experts, 22 even subject to objections. *Id.* at 4-7. Defendants also claim that plaintiff completely failed to 23 respond to properly served requests for admissions (RFAs), interrogatories (ROGs), and requests 24 for production (RFPs), and as a result should be compelled to respond to the ROGs and RFPs and 25 plaintiff's responses to defendant's RFAs should be deemed admitted.

Id. at 7-9. 26 Because plaintiff has failed to timely respond to defendants' discovery requests, 27 meaningfully participate in his deposition, demonstrate that these failures were justified, and 28 timely file an opposition, defendants' motion will be granted. 1 Defendants will be given another opportunity to depose plaintiff within forty-five days 2 from the date of this order.

Plaintiff must fully and meaningfully participate during his 3 deposition. 4 Plaintiff is advised that he will be required to answer questions about his convictions 5 and/or proposed experts even if he thinks the questions are irrelevant or exceed the scope of the 6 deposition. *Doe v. City of San Diego*, No. 12-cv-0689 MMA (DHB), 2013 WL 6577065, at *5, 7 2013 U.S. Dist.

LEXIS 179077, at *13 (S.D. Cal. Dec. 13, 2013) ("objections that questions have 8 been asked and answered, exceeded the scope of the deposition, lacked relevance, assumed facts, 9 and misstated [a deponent's] prior testimony are improper grounds for instructing a witness not to 10 answer"); *Covington v. Curtis*, No. SA CV 12-1258 FMO (ANx), 2013 U.S. Dist. LEXIS 53406, 11 at *6 (C.D.

Cal. Apr. 12, 2013) (a deponent cannot refuse to answer a questions on the ground 12 that it has been asked and answered or that it is irrelevant); see also *Rutter Group Prac. Guide* 13 Fed. Civ. Pro. Before Trial Ch. 11(IV)-A § 11:1565 ("Rule 30(c)(2) renders 'relevancy' 14 objections meaningless in most depositions.

The deponent must even answer questions calling 15 for blatantly irrelevant information 'subject to the objection.'"); see also *Vasquez v. Leprino Foods Co.*, No. 1:17-cv-0796 AWI BAM, 2019 WL 1934015, at *2, 2019 U.S. Dist. 73777, at 17 *14-15 (E.D. Cal. May 1, 2019) (objection that a question is beyond the scope is improper). 18 Plaintiff is further advised that Federal Rule of Civil Procedure 30(c)(2) provides the 19 exclusive grounds for a deponent not to answer a question.

Covington, 2013 U.S. Dist. LEXIS 20 53406, at *6; Moore v. Stepp, No. C 11-5395 CW PR, 2013 WL 1832640, at *4, 2013 U.S. Dist. 21 LEXIS 62526, at *10 (N.D. Cal. May 1, 2013). A deponent does not need to answer a question 22 “only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to 23 present a motion under Rule 30(d).” Fed.

R. Civ. P. 30(c)(2) (emphasis added). Because the court 24 has not set any limitations, plaintiff can object to a question but must proceed to answer each 25 question unless he is asserting a valid privilege or ending the deposition in order to present a 26 motion under Rule 30(d)(3). 27 Defendants will be required to re-serve plaintiff with defendants’ first set of RFPs, ECF 28 No. 42-1 at 27-31, and first set of ROGs, id. at 33-38, within fourteen (14) days from the date of 1 this order.

Plaintiff’s responses, without objections, will be due forty-five (45) days from the date 2 of re-service. See Fed. R. Civ. P. 37(c)(1) (outlining sanctions for failure to disclose 3 information). 4 Defendants’ RFAs, ECF No. 42-1 at 6-12, will be deemed admitted. Fed. R. Civ. P. 5 36(a)(3) (when a party fails to timely respond to RFAs, those requests are automatically deemed 6 admitted).

7 Plaintiff is warned that refusing to answer questions during his deposition based on 8 improper objections, recklessly asserting non-applicable privilege to avoid answering questions, 9 terminating a deposition where it is not warranted, and failing to respond to ROGs and RFPs will 10 not be tolerated and may result in sanctions, including the termination of this action.

11 IV. Further Scheduling Order 12 In light of the above ruling on defendants’ motion to compel, the court amends its August 13 13, 2025, order as follows. If plaintiff fails to meaningfully participate in his deposition or to 14 answer the ROGs and RFPs, no further motions to compel are necessary. Instead, defendants’ may 15 seek sanctions, including terminating sanctions.

All pretrial motions,³ except motions directly 16 related to trial proceedings, shall be filed within ninety (90) days from the date plaintiff serves the 17 court-ordered discovery responses or completes his deposition, whichever is later. When the later 18 event has occurred, defendants shall file a status report informing the court of the date of completion 19 of discovery.

20 V. Conclusion 21 Accordingly, IT IS HEREBY ORDERED that: 22 1. The December 8, 2025, findings and recommendations (ECF No. 48) are 23 WITHDRAWN. 24 2. Plaintiff’s motion for an extension of time (ECF No. 49) is construed as motion for an 25 extension to file an opposition to defendants’ motion to compel (ECF No. 42) and is 26 DENIED. 27 28 3 This includes motions for summary judgment under Federal Rule of Civil Procedure 56.

1 3. Defendants’ motion to compel (ECF No. 42) is GRANTED. 2 4. Within fourteen (14) days from the date of this order, defendants shall re-serve 3 plaintiff with their first sets of ROGs and RFPs. Plaintiff has forty-five (45) days from 4 the date of re-service to respond without objection.

5 5. Within forty-five (45) days from the date of this order, defendants shall complete 6 plaintiffs deposition.

7 6. Once defendants have received written discovery responses and completed 8
deposition, defendants shall file a status report with the court informing the court of 9 the
completion of discovery. 10 7. Within ninety (90) days from the completion of discovery, the
parties shall file any 11 pretrial motions, including motions for summary judgment.

12 | DATED: January 8, 2026. 13 Hthren— Lhor—e_ 14 ALLISON CLAIRE UNITED STATES
MAGISTRATE JUDGE 15 16 17 18 19 20 21 22 23 24 25 26 27 28