

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

J.P., a minor who sues by and through	)	
his father and next friend,	)	
CHRIS PRICE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 2:12cv46-CSC
	)	(WO)
D.A. CREWS,	)	
	)	
Defendant.	)	

**ORDER**

Before the court is the “Motion to Open Discovery” (Doc. 5) filed by the plaintiff, J.P. J.P. requests “leave to conduct limited discovery” before the parties have conferred as required by Fed. R. Civ. P. 26(f).

Pursuant to Fed. R. Civ. P. 26(d)(1), “[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized by [the Rules of Civil Procedure], by stipulation, or by court order.” “Although [Rule 26(d)(1)] does not say so, it is implicit that some showing of good cause should be made to justify” an order authorizing the commencement of discovery prior to the Rule 26(f) conference. 8A Charles Alan Wright, *et al.*, *Federal Practice & Procedure* § 2046.1. *See also Qwest Commc’ns. Int’l., Inc. v. WorldQuest Networks, Inc.*, 213 F.R.D. 418, 419 (D. Colo. 2003) (“[A] party seeking expedited discovery in advance of a Rule 26(f) conference has the burden of showing good cause for the requested departure from usual discovery

procedures.”)

As grounds for his motion, J.P. argues that he needs to identify the name of a Department of Youth Services corrections officer whose name is currently unknown so that the officer can be added as a defendant. (Doc. 5 ¶¶6-7). However, as J.P. states in his motion: “[t]here is ample time for discovery to be conducted and for an amended complaint to be filed that includes the name of the unknown officer and proper charges.” (Doc. 5 ¶ 5). J.P. has not shown good cause for issuance of an order authorizing immediate discovery. Accordingly, it is

**ORDERED** that J.P.’s “Motion to Open Discovery” (Doc. 5) be and is hereby **DENIED**.

Done this 27th day of April, 2012.

/s/Charles S. Coody  
CHARLES S. COODY  
UNITED STATES MAGISTRATE JUDGE