

1 acknowledge representation of Mr. Mayhew. Dkt. 49. Plaintiff stated that Mr. Mayhew “apparently left
2 his employment with the state.” Dkt. 49, at 1. Plaintiff stated as follows:

3 Casey Mayhew is named as a defendant in this action, and was sent a copy of the initial complaint
4 with a summons at the office of the Alaska Probation Department at the same time as one was sent
5 to Lisa Lefner. They were both received and signed for. The Answer filed by the Attorney General
will represent Mr. Mayhew when he is served, and this is merely delaying the action.

6 Dkt. 49, at 1.

7 On June 9, 2009, the court issued order denying plaintiff’s motion that had requested that the court
8 order that the U.S. Marshal serve Mr. Casey Mayhew with a summons and complaint if counsel for the
9 State of Alaska does not acknowledge representation of Mr. Mayhew, stating as follows:

10 Plaintiff has not shown that he made an attempt to obtain Mr. Mayhew’s current address, or that
11 the Alaska Department of Corrections is aware of Mr. Mayhew’s current address. It is plaintiff’s
12 responsibility to obtain addresses for the people he wishes to sue. The court cannot order the
13 United States Marshal to effectuate service on a defendant when plaintiff has not provided a current
address for that defendant. Further, plaintiff has not shown that the court has the authority to order
the Alaska Attorney General to represent an individual. Plaintiff’s motion should be denied.

14 Dkt. 54, at 2.

15 On June 15, 2009, plaintiff filed a Motion to Compel Discovery from State Actors, requesting that
16 the court order (1) “counsel for Alaska probation officers, Stephanie Moore,” to provide an address where
17 Mr. Mayhew can be served with process, or to acknowledge service on behalf of Mr. Mayhew; and (2) Ms.
18 Moore to provide answers to the Interrogatories and Admissions that were submitted to Ms. Moore on
19 April 19, 2009. Dkt. 55.

20 **1. Address of Mr. Mayhew**

21 The court has previously informed plaintiff that it is his responsibility to obtain Mr. Mayhew’s
22 address, and that plaintiff has not shown that the court has the authority to order the Alaska Attorney
23 General to represent an individual. Ms. Moore has not appeared on behalf of Mr. Mayhew. Plaintiff’s
24 renewed request to involve the court in obtaining Mr. Mayhew’s address, this time in the form of a motion
25 to compel, is inappropriate. Plaintiff’s motion to compel Ms. Moore to provide plaintiff with Mr.
26 Mayhew’s address, or to acknowledge service on behalf of Mr. Mayhew (Dkt. 55) should be denied.

27 **2. Responses to Interrogatories and Admissions**

28 Plaintiff requests that the court order Ms. Moore to provide responses to interrogatories and
admissions. See Dkt. 55-2. The interrogatories and requests for admission at issue were dated April 19,

1 2009, and were directed to Lesia Lefner and Casey Mayhew or Applicable Party. Dkt. 55-2, at 1. Ms.
2 Lefner is the only defendant who has been served and has appeared through counsel.

3 Fed.R.Civ.P. 26(d)(1) provides as follows:

4 **(d) Timing and Sequence of Discovery.**

- 5 (1) **Timing.** A party may not seek discovery from any source before the parties have
6 conferred as required by Rule 26(f), except in a proceeding exempted from initial
7 disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation,
8 or by court order.

9 *Emphasis in the original.*

10 Fed.R.Civ.P. 26(a)(1)(B)(iv) exempts from initial disclosure “an action brought without an attorney
11 by a person in the custody of the United States, a state, or a state subdivision.”

12 Plaintiff is in custody of the United States, and he is proceeding without an attorney. The court
13 initially issued a scheduling order that did not require initial disclosures or a Case Status Report. Dkt. 32.
14 However, on June 1, 2009, the court issued an order, granting the City of Fairbanks defendants’ request
15 that the court issue an order requiring the parties to conduct a scheduling and planning conference report in
16 accordance with Fed.R.Civ.P. 26(f). Dkt. 51. On June 1, 2009, the court issued an order, directing that
17 the parties file an Initial Case Status Report regarding case scheduling and planning. Dkt. 52. That report
18 is due by June 29, 2009.

19 Plaintiff’s current motion, requesting that Ms. Lefner and Mr. Mayhew respond to interrogatories
20 and requests for admission, is untimely. The parties have not filed the required Initial Case Status Report.
21 Part of the report is a discovery plan. Plaintiff may raise his issues regarding discovery during the planning
22 and development of that report.

23 Further, the interrogatories and requests for admission sent by plaintiff are deficient in at least the
24 following respects: (1) Plaintiff requests information from Casey Mayhew, who has not been served; (2)
25 Plaintiff apparently requests information related to his current federal conviction; claims regarding that
26 conviction have been dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994); and (3) Plaintiff
27 appears to request information that is not within the personal knowledge of Ms. Lefner.

28 Based upon the discussion above, plaintiff’s motion, requesting that the court compel Ms. Lefner,
Mr. Mayhew, or “Other Party” to respond to interrogatories and requests for admission (Dkt. 55) should
be denied.

