

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,
Plaintiff,
vs.
P. ROBERTS, et al.,
Defendants.

1:06-cv-00407-AWI-GSA-PC
ORDER STRIKING DISCOVERY
DOCUMENTS
(Docs. 101, 102, 103.)

Kevin Fields ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on April 10, 2006. (Doc. 1.) This action now proceeds with the Fifth Amended Complaint filed by Plaintiff on June 24, 2010, against defendant Jeff Neubarth ("Defendant") for deliberate indifference to Plaintiff's medical needs.¹ (Doc. 51.)

On June 7, 2013, the court issued a scheduling order commencing discovery and establishing deadlines for the parties in this case. (Doc. 99.) On July 31, 2013, Plaintiff filed three proofs of service, indicating that he had served requests for production of documents, requests for admissions, and interrogatories upon Defendant. (Docs. 101, 102, 103.)

¹The Court dismissed Defendant P. Roberts from this action on March 12, 2012, based on Plaintiff's failure to effect service. (Doc. 75.) Therefore, Jeff Neubarth is the only Defendant remaining in this action.

1 Interrogatories, requests for production, requests for admission, responses, “and proofs
2 of service thereof shall not be filed unless and until there is a proceeding in which” the
3 interrogatory, request, response, “or proof of service is at issue.” Local Rules 250.2(c),
4 250.3(c), 250.4(c). Thus, Plaintiff should not submit discovery documents for filing at the
5 court unless the documents are at issue, such as when a motion to compel has been filed by one
6 of the parties. Therefore, the proofs of service filed by Plaintiff shall be stricken from the
7 court’s record.

8 Accordingly, IT IS HEREBY ORDERED that the proofs of service filed by Plaintiff on
9 July 31, 2013, are STRICKEN from the court’s record.

10
11
12 IT IS SO ORDERED.

13
14 Dated: August 2, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE