



1 necessary because Defendants have failed to discuss the second amended complaint and a discovery  
2 system that works for all parties. Plaintiff also faults Defendants for failing to provide certain  
3 documents in response to his discovery requests, for failing to provide disclosures pursuant to Federal  
4 Rule of Civil Procedure 26(a)(1) and for failing to comply with certain pretrial disclosures required by  
5 Federal Rule of Civil Procedure 26(a)(3)(A).

6 Plaintiff's request for a pretrial conference is unnecessary and shall be denied. The Court  
7 already has entered a discovery and scheduling order pursuant to Federal Rule of Civil Procedure 16.  
8 (ECF No. 81.) Although Plaintiff claims that Defendants failed to provide responses to certain of  
9 Plaintiff's discovery requests, the proper mechanism to obtain any such responses was a motion to  
10 compel prior to the conclusion of the discovery deadline, which has now passed.

11 Plaintiff's complaints related to Defendants' failure to comply with the required initial  
12 disclosures of Federal Rule of Civil Procedure 26(a)(1) also are unwarranted. The initial disclosures  
13 contemplated by Rule 26(a)(1) are not required in any action brought without an attorney by a person  
14 in the custody of the state, such as this one. Fed. R. Civ. P. 26(a)(1)(B)(iv). Further, Plaintiff's  
15 complaints related to Defendants' purported failure to provide information pursuant to Rule  
16 26(a)(3)(A) are premature. Such disclosures are not required until 30 days before trial or as otherwise  
17 ordered by the Court. Fed. R. Civ. P. 26(a)(3)(B). A trial has not been set in this matter and the Court  
18 has not ordered the disclosures.

19 **III. Conclusion and Order**

20 For the reasons stated, Plaintiff's motion for an order requiring Defendants to participate in a  
21 pretrial conference is DENIED.

22  
23 IT IS SO ORDERED.

24 Dated: October 15, 2013

/s/ Barbara A. McAuliffe  
25 UNITED STATES MAGISTRATE JUDGE