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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHAUN KANE,

Plaintiff,

v.

RICHARD PIERCE, et al.

Defendants.

CASE NO. 1:06-cv-01564-OWW-GSA PC

ORDER DENYING MOTION TO COMPEL AS
PREMATURE

(Doc. 87)

Plaintiff Shaun Kane is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 14, 2009, Plaintiff filed a motion seeking an order compelling Defendants to produce documents.

Plaintiff's motion is premature. Discovery opened on April 10, 2009, and it is Plaintiff's responsibility to serve Defendants with a request for the production of documents. It is not proper to seek court intervention until a discovery dispute arises after discovery has been served and, following the passage of forty-five days, either no response is served or the response served is unsatisfactory. Plaintiff is directed to review the First Informational Order, filed on January 18, 2007.

Plaintiff's motion to compel is **HEREBY DENIED** as premature.

IT IS SO ORDERED.

Dated: April 21, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE