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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KEITH DUANE ARLINE, JR.,

Plaintiff,

v.

KEN CLARK,

Defendant.

CASE NO. 1:07-cv-01097-LJO-GBC PC

ORDER DENYING PLAINTIFF’S MOTION  
TO COMPEL DISCOVERY

(Doc. 65)

Plaintiff Keith Duane Arline, Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the Court’s order of June 2, 2010, this action is proceeding on Plaintiff’s complaint, filed July 27, 2007, against Defendant Ken Clark for inadequate outdoor exercise, while housed at California State Prison , Corcoran, in violation of the Eighth Amendment. This matter is currently in the discovery phase. Plaintiff filed a motion to compel discovery on November 1, 2010, because he has been attempting to file discovery with the Court and it is being returned to him.

Under the Federal Rules of Civil Procedure, discovery is designed to proceed at the initiative of and under the control of the parties. Unless a party is challenging the activity of the other party, the involvement of the Court is generally not required in the discovery process. A motion to compel is used to compel a party who has failed to disclose, answer, or respond to discovery requests by the opposing party. See Fed. R. Civ Proc. 37.

Plaintiff has filed this motion to compel because he wants to file his discovery requests with

1 the Court. The Court is not a repository for the discovery of the parties. Therefore, it is HEREBY  
2 ORDERED that Plaintiff's motion to compel, filed November 1, 2010, be DENIED.

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5 ORDERED.

IT IS SO

6 Dated: November 4, 2010

  
UNITED STATES MAGISTRATE JUDGE

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