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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LON CARTER,

Plaintiff,

vs.

1: 07 CV 01325 AWI YNP GSA (PC)

ORDER RE MOTION (DOC 28)

NICK DAWSON, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Plaintiff’s motion to compel the production of documents.

Plaintiff’s motion is styled as a discovery request, and is directed to the Custodian of Records and the Chief Medical Officer at Avenal State Prison. The request is titled as a request for the production of documents under the Public Records Act and the Freedom of Information Act.

Neither the Chief Medical Officer nor the Custodian of Records is a party in this action. Plaintiff is advised that any discovery requests must be directed to a named defendant.

Defendants oppose the motion, noting that they are willing to respond to a properly styled request for production of documents. Defense counsel has informed Plaintiff that “since he appears to be

1 still confused concerning the proper method of discovery, Defendants will respond to Plaintiff's
2 production requests, even though they were not properly served." Defendants' Exhibit A to their
3 opposition is a letter to that effect.

4 Plaintiff is advised that his request for production of documents must be directed to the
5 named Defendants. Plaintiff may not circumvent the discovery process by sending his
6 production of document requests to the Litigation Coordinator at Avenal State Prison. Plaintiff
7 is further advised that the court will not entertain a motion to compel that does not include the
8 discovery request served upon Defendants, Defendants' objections, and Plaintiff's argument as to
9 why the objection should be overruled.

10 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to compel the
11 production of documents is denied.

12
13 IT IS SO ORDERED.

14 **Dated: February 2, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE