

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

GEORGE H. ROBINSON,

CASE NO. 1:08-cv-01380-AWI-GSA PC

Plaintiff,

ORDER DENYING MOTION FOR LEAVE TO
CONDUCT DISCOVERY AS PREMATURE

v.

(Doc. 26)

D. G. ADAMS, et al.,

Defendants.

_____ /
This is a civil action filed pursuant to 42 U.S.C. § 1983 and California tort law by Plaintiff George H. Robinson, a state prisoner proceeding pro se. This action was removed from Kings County Superior Court on September 11, 2008, by Defendants Adams, David, Melo, Martinez, Ruiz, Miranda, Mendoza, and Masiel. 28 U.S.C. § 1441.

On March 13, 2009, Plaintiff filed a motion seeking leave to conduct discovery. The discovery phase of this litigation will not commence until the pleadings are quiet and Defendants file an answer. (Doc. 3, First Info. Order, ¶8.) Once the answer is filed, the Court will issue an order opening discovery and setting scheduling deadlines. (Id.) Until that occurs, discovery may not be conducted. (Id.)

Accordingly, Plaintiff's motion for leave to conduct discovery, filed March 13, 2009, is HEREBY DENIED as premature.

IT IS SO ORDERED.

Dated: July 8, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE