UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES SUKNAICH,

Plaintiff,

v.

JAMES YATES, et al.,

Defendants.

/

CASE NO. 1:09-cv-473-MJS (PC)

ORDER DENYING MOTION FOR 180 DAY EXTENSION OF TIME (DOC. 14)
AND
DENYING MOTION FOR ACCESS (DOC. 15)

Plaintiff James Suknaich ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court are Plaintiff's Motion for 180 day Extension of Time to study and gain access to logs and reports (Docket # 14) and Plaintiff's Motion for Access to Logs, Duty Roster, and Incident Reports (Docket # 15). These motions in effect seek discovery on the claims asserted in Plaintiff's First Amended Complaint.

The discovery phase of this litigation is not yet open. Plaintiff is directed to paragraph eight of the Court's First Informational Order, filed March 16, 2009. In that order, Plaintiff was specifically informed that he may not conduct discovery until Defendants file an answer and the Court issues a discovery order. The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.

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§ 1915A(b)(1),(2). If the Court finds that any of Plaintiff's claims are cognizable, it will order the United States Marshall to serve the complaint on the relevant defendants. Once an answer is received, the Court will issue a scheduling order. Until that time, Plaintiff is not entitled to conduct any discovery.

Accordingly, it is hereby ORDERED that:

1. Plaintiff's Motion for 180 day extension of time to study and gain access to logs and reports (Docket # 14) is DENIED;
2. Plaintiff's Motion for Access to Logs, Duty Roster, and Incident Reports (Docket # 15) is DENIED.

IT IS SO ORDERED.

Dated: June 14, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE