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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO GIL,

Plaintiff,

v.

JAMES A. YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00552-AWI DLB PC

ORDER DENYING REQUEST FOR
SUBPOENAS DUCES TECUM

(Doc. 18)

ORDER DENYING REQUEST FOR SERVICE
BY UNITED STATES MARSHAL

(Doc. 19)

Plaintiff Francisco Gil, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 24, 2009. By order issued September 18, 2009, this Court dismissed Plaintiff’s complaint, with leave to amend, for failure to comply with Federal Rule of Civil Procedure 8. Plaintiff has not yet filed an amended complaint.

On October 2, 2009, Plaintiff filed a motion requesting service of the summons and his amended complaint by the United States Marshal, when he files his amended complaint. (Doc. 19.) As explained in the First Informational Order, the Court will not direct service of the complaint until the Court has screened it and determined that Plaintiff states cognizable claims for relief against the named defendants. Plaintiff’s request for service is premature.

Plaintiff has also filed a request for the issuance of subpoenas duces tecum. (Doc. 18.) Plaintiff’s request to conduct discovery at this stage in the litigation, when no operative pleading exists, is premature.

Plaintiff’s motions, filed October 2, 2009, are DENIED as premature.

IT IS SO ORDERED.

Dated: October 27, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE