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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ROBERT EARL SAMUELS,

Plaintiff,

v.

G. ADAME, et al.,

Defendants.

CASE NO. 1:09-CV-1320-AWI-DLBPC

ORDER DENYING PLAINTIFF’S MOTION  
FOR INSPECTION

(DOC. 42)

Plaintiff Robert Earl Samuels (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants G. Adame, C Farnsworth, P Gentry, B Medrano, R. Nicholas, F. Rivera, E Sailer, D Snyder. Pending before the Court is Plaintiff’s motion to inspect pursuant to Rule 34(a) of the Federal Rules of Civil Procedure, filed October 13, 2011. Doc. 42.

Plaintiff requests that either the Court provide an independent representative, or a protective order be issued so that photographs of Building 3 at California Correctional Institution Facility A can be obtained. Pl.’s Mot. 1.

Plaintiff is requesting that the Court intervene in the discovery process. The Court is not typically involved in discovery until a motion to compel is filed. See Fed. R. Civ. P. 37. Plaintiff has not demonstrated whether he attempted to request inspection from Defendants or some third party prior to seeking the Court’s assistance, as required by Rule 37(a)(3).

The Court cannot expend government funds on Plaintiff’s behalf without congressional

1 authorization, even if Plaintiff is proceeding in forma pauperis. *See Tedder v. Odel*, 890 F.2d  
2 210, 211 (9th Cir. 1989) (per curiam) (citing *United States v. MacCollom*, 426 U.S. 317, 321  
3 (1976)). The Court will not provide an independent representative to assist Plaintiff in obtaining  
4 this discovery as no such congressional authorization exists.

5 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for inspection, filed  
6 October 13, 2011, is denied.

7 IT IS SO ORDERED.

8 **Dated: November 29, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE

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