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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHN MCGLOTHIN,

CASE NO. 1:10-cv-00247-AWI-GBC (PC)

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION
FOR DISCOVERY

v.

K. HARRINGTON, et al.,

Doc. 54

Defendants.

_____ /

On February 16, 2010, Plaintiff Michael John McGlothlin (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On June 21, 2011, the Court found a cognizable Eighth Amendment conditions of confinement claim, for forcing Plaintiff to wear dirty mitts during contraband watch against Castro, Jose, Steen, and J. Torres, and dismissed all other claims and defendants. Doc. 14. On May 4, 2012, the Court issued a discovery and scheduling order, setting a discovery deadline of January 4, 2013, and a dispositive motion deadline of March 14, 2013. Doc. 43.

On August 22, 2012, Plaintiff filed a “motion for discovery.” Doc. 54.

As a preliminary matter, Plaintiff shall not file discovery requests with the Court. *See* First Info. Order at 4-5, Doc. 3. Thus, if Plaintiff is simply asking for discovery, he must send his discovery requests directly to Defendants and may not file his requests with the Court. Local Rules 250.2, 250.3, 250.4.

If Plaintiff is seeking to compel documents, he must first show that he made a proper request and that Defendants failed to properly respond. In Plaintiff’s motion, he does not state that he made the

1 requests to Defendants prior to filing his motion. Doc. 54. Under Rule 37 of the Federal Rules of Civil
2 Procedure, the court may order a party to provide further responses to “an evasive or incomplete
3 disclosure, answer, or response.” *See* Fed. R. Civ. P. 37(a)(3).

4 Plaintiff makes no representation that he served discovery requests on Defendants prior to the
5 filing of his motion. Thus, Plaintiff did not follow the proper procedure in accordance with Federal Rule
6 of Civil Procedure 37(a)(3).

7 Accordingly, Plaintiff’s motion for discovery is DENIED.

8 IT IS SO ORDERED.

9 Dated: November 19, 2012


UNITED STATES MAGISTRATE JUDGE

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