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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEONARD RANSOM, JR.,

Plaintiff,

vs.

DANIEL GONZALEZ, et al.,

Defendants.

1:10-cv-00397-GSA-PC

ORDER IN RESPONSE TO PLAINTIFF'S
MOTION FOR CLARIFICATION OF
DISCOVERY SCHEDULE
(Doc. 46.)

Leonard Ransom, Jr. ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. §1983. Plaintiff filed the Complaint commencing this action on March 8, 2012. (Doc. 1.) This case now proceeds on the initial Complaint, against defendants C/O M. Amador, C/O Daniel Nava, C/O R. Marquez, and C/O Ralph Nunez for use of excessive force; and against defendants C/O Daniel Nava, C/O R. Marquez, Sgt. J. Ybarra, and Lt. Carlos Sandoval for failure to protect Plaintiff.¹

¹ On August 8, 2012, the Court dismissed Plaintiff's claim regarding his disciplinary process from this action for failure to state a claim. (Doc. 17.) The Court also dismissed defendants Daniel Gonzalez and Sergeant Ybarra from this action, based on Plaintiff's failure to state any claims against them. *Id.* The Court also dismissed defendants Saul Ochoa, Harold Tyson, Eric Lunsford, Daniel Gonzalez, and Gina Marquez, without prejudice, on Plaintiff's motion. *Id.* On October 3, 2012, defendant Sergeant Ybarra was reinstated as a defendant, under Fed. R. Civ. P. 60. (Doc. 22.) Service of process upon defendant Ybarra has been commenced but is not yet completed. (Doc. 24.)

1 On May 13, 2013, Plaintiff filed a motion requesting clarification of the Court's
2 discovery order for this action. (Doc. 46.) Plaintiff provides evidence that Defendants have
3 refused to respond to his Request for Admissions, and he questions whether discovery is
4 stayed, or will be stayed, pending the resolution of Defendants' pending motion to revoke
5 Plaintiff's in forma pauperis status.

6 Plaintiff is advised that the Court has not issued a discovery order in this action. The
7 Court will issue a scheduling order setting a schedule for discovery after Defendants have filed
8 an Answer to the complaint. Defendants have not yet filed an Answer. Therefore, the
9 discovery phase has not been opened in this case. The parties are precluded from participating
10 in discovery at this stage of the proceedings. Therefore, Defendants have properly refused to
11 respond to Plaintiff's discovery requests.

12 This order resolves Plaintiff's motion for clarification filed on May 13, 2013.
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16 IT IS SO ORDERED.

17 Dated: May 15, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE