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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTORY ILSUNG,
Plaintiff,
v.
ROBERT MOBERT,
Defendant.

Case No. 1:10-cv-02070-AWI-MJS (PC)
**ORDER STRIKING PLAINTIFF'S MOTION
FOR PRODUCTION OF DOCUMENTS**
(ECF No. 47)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter proceeds on retaliation and medical indifference claims against Defendant Mobert.

Before the Court is Plaintiff's motion for production of four categories of documents from Defendant Mobert. The motion does not include proof of service upon Defendant. It is unclear if Plaintiff is advising the Court that he has made such requests of Defendant or if he is moving the Court to order Defendant to produce them. Either way, the Court cannot issue such an order in response to this motion.

Discovery requests are to be served on counsel for the Defendant, not the Court. Fed. R. Civ. P. 5; Disc. and Sched. Order, ECF No. 41, ¶ 1. In addition, each discovery

1 request must comply with all requirements of Federal Rule of Civil Procedure 26-36 and
2 Local Rule 135. A request for production of documents must describe with reasonable
3 particularity the item(s) sought and specify a reasonable time, place and manner for
4 production. Fed. R. Civ. P. 34(b).

5 The Court will not in any event act to enforce discovery unless a proper and timely
6 motion is brought seeking such enforcement because of the opposing party's failure to
7 comply with discovery obligations. Here it is noted that the discovery request appears to be
8 untimely. (See Disc. and Sched. Order, ECF No. 41, at ¶ 8.) If Plaintiff wishes to extend the
9 discovery deadline, he must file a motion that includes a statement of good cause why
10 discovery could not have been completed prior to the deadline. Fed. R. Civ. P. 26(b); Disc.
11 and Sched. Order, ECF No. 41, ¶ 11.

12 Accordingly, for the reasons stated, it is HEREBY ORDERED THAT Plaintiff's
13 motion for production of documents (ECF No. 47) be STRICKEN from the record.

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16 IT IS SO ORDERED.

17 Dated: March 20, 2014

18 /s/ Michael J. Seng
19 UNITED STATES MAGISTRATE JUDGE
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