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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONTE L. HANEY
Plaintiff,
v.
M. P. HERNANDEZ, et al.,
Defendants.

CASE NO. 1:10-cv-02134-LJO-BAM PC
ORDER DENYING PLAINTIFF’S MOTION
TO COMPEL AS PREMATURE
(ECF No. 43)

This action is currently proceeding on the first amended complaint, filed April 4, 2012, against Defendants Hernandez and Ruiz for violation of the Fourteenth Amendment. (ECF No. 31.) Defendants filed a motion to dismiss on July 3, 2012. (ECF No. 36.) On August 24, 2012, Plaintiff filed a motion to compel. (ECF No. 43.)

As Plaintiff was notified via the first informational order, an order opening discovery is issued once an answer is filed. (ECF No. 18.) No discovery may be conducted, without permission from the Court, until an answer is filed and the Court issues an order opening discovery. Once Defendants have filed an answer a discovery and scheduling order will be issued opening discovery in this action. Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion to compel, filed August 24, 2012, is DENIED as premature.

IT IS SO ORDERED.

Dated: August 27, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE