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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEX GEORGE PEROS,

CASE NO. 1:10-cv-2376-OWW-MJS

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION TO
COMPEL

v.

(ECF No. 12)

NUTRIBIOTIC, INC., et al.,

Defendants.

_____ /

Plaintiff Alex George Peros is pro se in this civil action. Because there are issues as to whether the Court has jurisdiction over this case, the Court has not yet set a Federal Rule of Civil Procedure 16(b) scheduling conference.

Before the Court is Plaintiff's "Response to Produce Under Rule 26(a)(b) Federal Rules of Civil Procedure to the Plaintiff's Request for Documents of Discovery on October 21, 2010." (ECF No. 12.) Plaintiff appears to have served a request for production of documents (dated January 20, 2011) on James River Insurance Company. (ECF No. 12 at 4.) The instant Motion alleges that James River failed to respond and asks the Court for an order requiring the production of certain records from James River. The Court

1 construes the instant motion as a motion to compel discovery responses from James River.

2 "A party may not seek discovery from any source before the parties have conferred
3 as required by Rule 26(f)." Fed. R. Civ. P. 26(d). There is no representation that, prior to
4 Plaintiff serving his discovery requests on January 20, 2011, Plaintiff and Defendant James
5 River had held their Rule 26(f) conference. Accordingly, Plaintiff's discovery request is
6 premature and the instant Motion is DENIED.
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9 IT IS SO ORDERED.

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11 Dated: March 18, 2011

Isl. Michael J. Song
12 UNITED STATES MAGISTRATE JUDGE
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