UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT FRANCIS DRAGUSICA,	CASE NO. 1:11-cv-00363-LJO-SMS PC
Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF HIS MEDICAL RECORDS
v.	
ROLANDO DIA ROBLES, et al.,	(ECF No. 7)
Defendants.	
_____/	

Plaintiff Robert Francis Dragusica ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint in this action on March 3, 2011, alleging that he is being denied medical care for his serious medical condition in violation of the Eighth Amendment. (ECF No. 1.) On March 17, 2011, Plaintiff filed a motion for a court order granting him access to his medical records. (ECF No. 7.) As Plaintiff was notified via the First Informational Order, an order opening discovery is issued once an answer is filed. (ECF No. 3.) The complaint in this action is still pending screening and Plaintiff's motion for discovery is premature.

Additionally, Plaintiff is advised that discovery is self executing and the opposing party is to have an opportunity to respond to discovery requests prior to requesting intervention of the Court. The Court will only become involved where there is a discovery dispute. Where a party has failed to answer a question, answer an interrogatory, or permit inspection of a document the requesting party may move for an order to compel an answer, production, or inspection. Fed. R. Civ. Proc. 37(a)(3)(B). Although the Court recognizes that Plaintiff is proceeding pro per, he is required to

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comply with the Federal Rules of Civil Procedure and the Local Rules. Once the complaint is screened and Defendants have filed an answer a discovery and scheduling order will be issued opening discovery in this action. Plaintiff's motion, filed March 17, 2011, is HEREBY DENIED, as premature.

IT IS SO ORDERED.

Dated: June 17, 2011   /s/ Sandra M. Snyder
                                                    UNITED STATES MAGISTRATE JUDGE