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6 **UNITED STATES DISTRICT COURT**  
78 EASTERN DISTRICT OF CALIFORNIA  
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10 JOSEPH MATTHEW ORTA,

CASE NO. 1:11-cv-00506-SAB (PC)

11 v. Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION  
12 M. E. TAYLOR, et al., FOR DISCOVERY AS PREMATURE  
13 Defendants. /  
1415 Plaintiff Joseph Matthew Orta is a state prisoner appearing pro se and in forma pauperis in  
16 this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on March 25, 2011, and  
17 a first amended complaint, filed June 20, 2011, is currently pending screening. On January 22, 2013,  
18 Plaintiff filed a motion to compel discovery.  
19 As Plaintiff was notified via the first informational order, an order opening discovery is  
20 issued once an answer is filed. (First Informational Order ¶ 8, ECF No. 3.) No discovery may be  
21 conducted, without permission from the Court, until an answer is filed and the Court issues an order  
22 opening discovery. Plaintiff's motion is premature. Once Defendants have filed an answer a  
23 discovery and scheduling order will be issued opening discovery in this action. Accordingly,  
24 IT IS HEREBY ORDERED that Plaintiff's motion to compel, filed January 22, 2013, is  
25 DENIED.  
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27 IT IS SO ORDERED.  
28 Dated: February 21, 2013 

UNITED STATES MAGISTRATE JUDGE

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