

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH MATTHEW ORTA,

Plaintiff,

v.

M. E. TAYLOR, et al.,

Defendants.

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

ORDER DENYING PLAINTIFF'S MOTION
FOR DISCOVERY AS PREMATURE

(ECF No. 15)

Plaintiff Joseph Matthew Orta is a state prisoner appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on March 25, 2011, and a first amended complaint, filed June 20, 2011, is currently pending screening. On January 22, 2013, Plaintiff filed a motion to compel discovery.

As Plaintiff was notified via the first informational order, an order opening discovery is issued once an answer is filed. (First Informational Order ¶ 8, ECF No. 3.) No discovery may be conducted, without permission from the Court, until an answer is filed and the Court issues an order opening discovery. Plaintiff's motion is premature. 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 January 22, 2013, is DENIED.

IT IS SO ORDERED.

Dated: **February 21, 2013**



UNITED STATES MAGISTRATE JUDGE

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