

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 CHRISTOPHER SURICO, ) 1:11-cv-00762-GSA-PC  
12 Plaintiff, ) ORDER STRIKING PLAINTIFF'S  
13 vs. ) MOTION FOR DISCOVERY  
14 TYLER, et al., ) (Doc. 29.)  
15 Defendants. ) ORDER DIRECTING CLERK TO SEND  
16 ) COPY OF MOTION TO PLAINTIFF  
 ) (Doc. 29.)

17 Christopher Surico ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action  
18 pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on May 11, 2011.  
19 (Doc.1.) This action now proceeds on the First Amended Complaint, filed on May 29, 2012, against  
20 defendants Tyler and Vega, for failure to protect Plaintiff in violation of the Eighth Amendment. (Doc.  
21 12.) This case is presently in the discovery phase.

22 On January 7, 2013, Plaintiff filed a motion for discovery. (Doc. 29.) In the motion, Plaintiff  
23 recites a list of documents he seeks through discovery, including a daily log sheet, unusual occurrence  
24 sheet, e-mails, eyewitness reports, and a C-file.

25 Plaintiff is advised that requests for discovery should be directed to, and sent to, one or more of  
26 the Defendants, not to the court. Fed. R. Civ. P. 33, 34, 36. Pursuant to Local Rules, discovery  
27 documents including interrogatories, requests for production of documents, requests for admission,

1 responses, and proofs of service, "shall not be filed unless and until there is a proceeding in which the  
2 document or proof of service is at issue." L.R. 250.2(c), 250.3(c), 250.4(c). There is no indication in  
3 Plaintiff's motion for discovery that any of the documents he requests are at issue.<sup>1</sup> Therefore, the Court  
4 shall strike Plaintiff's motion from the record and return a copy of the motion to Plaintiff.

5 Based on the foregoing, IT IS HEREBY ORDERED that:

6 1. Plaintiff's motion for discovery, filed on January 7, 2013, is STRICKEN from the record;  
7 and  
8 2. The Clerk is DIRECTED to send Plaintiff a copy of the motion for discovery.

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10 IT IS SO ORDERED.

11 Dated: January 8, 2013

12 /s/ Gary S. Austin  
13 UNITED STATES MAGISTRATE JUDGE  
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27 <sup>1</sup> In the event that Defendants fail to make disclosures or to cooperate in discovery, Plaintiff is referred to Federal  
28 Rule of Civil Procedure 37 which governs motions to compel.