

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER SURICO,

Plaintiff,

vs.

TYLER, et al.,

Defendants.

1:11-cv-00762-GSA-PC

ORDER STRIKING PLAINTIFF'S
MOTION FOR DISCOVERY
(Doc. 29.)

ORDER DIRECTING CLERK TO SEND
COPY OF MOTION TO PLAINTIFF
(Doc. 29.)

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

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

Plaintiff is advised that requests for discovery should be directed to, and sent to, one or more of the Defendants, not to the court. Fed. R. Civ. P. 33, 34, 36. Pursuant to Local Rules, discovery 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.¹ 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.

9
10 IT IS SO ORDERED.

11 Dated: January 8, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 ¹ 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.