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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
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6 NESTOR DANIEL HERNANDEZ,

7 Plaintiff,

8 v.

9 OLMOS, et al.,

10 Defendants.
11

1:11cv01495 LJO DLB PC

ORDER DENYING PLAINTIFF'S
REQUEST FOR DISCOVERY

(Document 24)

12 Plaintiff Nestor Daniel Hernandez ("Plaintiff") is a California state prisoner proceeding pro
13 se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed a First
14 Amended Complaint on March 4, 2013.

15 Also on March 4, 2013, Plaintiff filed a Motion for Discovery in which he asks that
16 Defendants produce certain documents. The discovery phase of this litigation is not yet open.
17 Plaintiff is directed to paragraph eight of the court's First Informational Order, filed on September 8,
18 2011. The Court explained that Plaintiff may not conduct discovery until Defendants file an answer¹
19 and the Court issues the discovery order.

20 In addition, once discovery is open, Court permission is not necessary for discovery requests.
21 Discovery is self-executing until such time as a party becomes dissatisfied with a response and seeks
22 relief from the Court pursuant to the Federal Rules of Civil Procedure. Interrogatories, requests for
23 admissions, requests for production of documents, and responses thereto shall not be filed with the
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28 ¹ The Court has not yet screened Plaintiff's First Amended Complaint and therefore service has not been ordered as to any Defendant.

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Court until there is a proceeding in which the document or proof of service is at issue. Such documents are to be served on the opposing party, and not with the Court.

Accordingly, Plaintiff's Motion for Discovery is DENIED.

IT IS SO ORDERED.

Dated: March 11, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE