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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THOMAS GOOLSBY,	)	1:11cv01773 LJO DLB PC
	)	
Plaintiff,	)	ORDER GRANTING DEFENDANTS'
	)	MOTION FOR PROTECTIVE ORDER
vs.	)	
	)	(Document 55)
CATE, et al.,	)	
	)	
Defendants.	)	

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Plaintiff Thomas Goolsby (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 25, 2011.

This action is proceeding on First Amendment retaliation claims and due process claims against Defendants Holland, Steadman, Gutierrez, Noyce, Tyree, Gentry, Eubanks, Medrano and Holman.

Defendants’ November 26, 2013, Motion to Dismiss is currently pending.

On March 25, 2014, Defendants filed a motion for a protective order to relieve them of their obligation to respond to Plaintiff’s discovery requests. The Court deems the matter suitable for decision without an opposition pursuant to Local Rule 230(1).

1 As Defendants point out, a motion to dismiss is pending, and therefore a discovery order  
2 has not yet issued. This means that discovery has not opened and Plaintiff may not serve  
3 discovery at this juncture without a prior showing that such discovery is necessary. According to  
4 Defendants, Plaintiff has served written discovery without prior Court approval.

5 Accordingly, Defendants' request for a protective order is GRANTED. Defendants are  
6 relieved of their obligation to respond to Plaintiff's January 23, 2014, discovery requests at this  
7 time.<sup>1</sup> If this action survives the pending motion to dismiss, the Court will open discovery by  
8 formal order after an answer is filed.  
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10 IT IS SO ORDERED.

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12 Dated: April 1, 2014

/s/ Dennis L. Beck  
13 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>1</sup> The motion states that Plaintiff served discovery on January 23, 2013. However, since service had not yet been initiated at that time, the Court infers that this a typographical error, and the Court date is January 23, 2014.