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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE T. MOTEN,
Plaintiff,
v.
K. ALLISON,
Defendant.

Case No. 1:12-cv-00600 AWI-JLT (PC)
**ORDER DENYING EX PARTE
REQUEST FOR SUBPOENAS FOR
DEFENSE DOCUMENTS AND
TRANSCRIPTS**
(Doc. 19)

On April 20, 2012, the Court determined that Plaintiff is ineligible to proceed in forma pauperis and filed Findings and Recommendations that Plaintiff be required to pay the filing fee before the matter proceeds further. (Doc. 15) After this, Plaintiff filed a motion or a temporary restraining order and a request for a 30-day extension of time to object to the recommendation. (Docs. 16, 17) Notably, in support of his request for additional time within which to filed his recommendations, he asserted various problems, not the least of which was a stated inability to access the law library. (Doc. 17) Nevertheless, currently before the Court is Plaintiff's request that the Court issue subpoenas to the Defendant for production of documents and other matters. (Doc. 19)

Plaintiff is advised that until his motion to proceed in forma pauperis is resolved finally, the matter will not proceed. Moreover, any request for discovery is premature given that no filing fee has been paid, the Court has not authorized Plaintiff to proceed in forma pauperis, the Court

1 has not screened his complaint to determine whether it states a cognizable claim and the Court
2 has not authorized any discovery to occur. Therefore, the motion for subpoenas is **DENIED**.

3 Moreover, in light of Plaintiff's recent filings, it is becoming apparent to the Court that
4 Plaintiff's claim of having inadequate access to the law library and insufficient time to prepare his
5 objections to the Findings and Recommendations is a prevarication. Therefore, Plaintiff is
6 admonished to file his objections, if he has any, as soon as practicable but in no event will
7 objections filed after June 11, 2012, be considered. Moreover, Plaintiff is advised that no further
8 action will be taken as to any further filings until his motion to proceed in forma pauperis is
9 resolved finally and/or until he pays the filing fee.

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IT IS SO ORDERED.

Dated: May 25, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE