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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

G. J. GUTIERREZ,  
Plaintiff,  
vs.  
A. GUTIERREZ,  
Defendant.

1:13-cv-00421-LJO-GSA-PC  
ORDER STRIKING PLAINTIFF'S  
NOTICE OF LODGMENT  
(Doc. 42.)

G. J. Gutierrez ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff's original Complaint, filed on March 22, 2013, against defendant A. Gutierrez ("Defendant"), for use of excessive force in violation of the Eighth Amendment. (Doc. 1.)

On December 1, 2014, Plaintiff filed a Notice of Lodgment which constitutes a certificate of service of discovery requests upon Defendant. (Doc. 43.)

Plaintiff is advised that discovery documents should be directed to and sent to the Defendant, 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, responses, and proofs of service, "shall not be filed unless and until there is a

1 proceeding in which the document or proof of service is at issue." L.R. 250.2(c), 250.3(c),  
2 250.4(c). There is no indication that the proof of service or any other discovery document is at  
3 issue in this case.<sup>1</sup> Therefore, the court shall strike Plaintiff's Notice of Lodgment from the  
4 record.

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's Notice of  
6 Lodgment, filed on December 1, 2014, is STRICKEN from the record.

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8 IT IS SO ORDERED.

9 Dated: December 4, 2014

/s/ Gary S. Austin  
10 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>In the event that Defendant fails to make disclosures or to cooperate in discovery, Plaintiff is referred to  
28 Federal Rule of Civil Procedure 37 which governs motions to compel. Plaintiff should also refer to the court's  
Discovery and Scheduling Order filed on November 21, 2014, for information about conducting discovery.