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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 DENYING PLAINTIFF'S
REQUEST AS PREMATURE
(Doc. 46.)

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.) This case is presently in the discovery phase, pursuant to the court's scheduling order issued on November 21, 2014. (Doc. 41.)

On December 19, 2014, Plaintiff filed a "Request [for] Sanctions [to] be Denied." (Doc. 46.) Plaintiff requests the court to deny Defendant's request for the imposition of sanctions because of Plaintiff's error in dating his proof of service to Defendant.

Plaintiff's request is premature. Defendant has not filed any request for the imposition of sanctions. According to Plaintiff's evidence, Defendant has indicated his intent to seek

1 sanctions if Plaintiff continues to engage in certain conduct. However, Defendant has not filed
2 any such request with the court.

3 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's
4 Request, filed on December 19, 2014, is DENIED as premature.

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6 IT IS SO ORDERED.

7 Dated: December 29, 2014

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

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