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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OBIE CRISP,

Plaintiff,

vs.

WASCO STATE PRISON, et al.,

Defendants.

1:13-cv-00816-GSA-PC

ORDER DENYING PLAINTIFF'S
REQUEST TO OPEN DISCOVERY
(Doc. 17.)

ORDER RESOLVING PLAINTIFF'S
REQUEST FOR STATUS

I. BACKGROUND

Obie Crisp ("Plaintiff") is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on May 30, 2013. (Doc. 1.) On July 29, 2013, Plaintiff filed the First Amended Complaint, which awaits the court's requisite screening under 28 U.S.C. § 1915A. (Doc. 13.)

On June 24, 2013, Plaintiff consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c), and no other parties have made an appearance. (Doc. 5.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

On December 2, 2013, Plaintiff filed a request for the court to open discovery for this action. (Doc. 17.) Plaintiff also requests status of his motion for leave to file a late Government Claim.

II. DISCOVERY

Plaintiff requests a court order commencing discovery in this action. Plaintiff was recently transferred to another correctional facility and expresses concern that the court has not

1 received his notice of change of address. Plaintiff also states that he is not aware of when
2 defendants were served.

3 Plaintiff is advised that the court received and filed his notice of change of address to
4 the California Health Care Facility on October 3, 2012. (Doc. 16.) Plaintiff is also advised that
5 the court will issue a scheduling order setting a schedule for discovery after the complaint has
6 been served and one of the defendants has filed an Answer to the complaint. At this stage of
7 the proceedings, Plaintiff's complaint awaits the court's requisite screening process. Service of
8 process shall not be initiated until the court has screened the complaint and finds that Plaintiff
9 states cognizable claims. Therefore, it is not time for discovery in this action, and Plaintiff's
10 request to open discovery at this stage of the proceedings shall be denied.

11 **III. REQUEST FOR STATUS**

12 Plaintiff also requests the status of his motion for leave to file a late Government Claim.
13 Plaintiff is advised that his motion for leave to file a late Government Claim, filed on July 10,
14 2013, was denied by the court's order of July 22, 2013. (Docs. 8, 11.) Plaintiff was served
15 with a copy of the July 22, 2013 order at his prior address-of-record at Wasco State Prison on
16 July 22, 2013. (Court Record.)

17 **IV. CONCLUSION**

18 Based on the foregoing, IT IS HEREBY ORDERED that:

19 1. Plaintiff's request to open discovery at this stage of the proceedings, filed on
20 December 2, 2013, is DENIED; and

21 2. Plaintiff's request for status of his motion for leave to file a late Government
22 Claim is RESOLVED by this order.

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26 IT IS SO ORDERED.

27 Dated: December 4, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE