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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRYL WALKER,
Plaintiff,
vs.
MOORE,
Defendant.

1:13-cv-02102-AWI-GSA-PC
ORDER STRIKING DISCOVERY
DOCUMENT FILED WITH THE COURT
(ECF No. 32.)

Darryl Walker ("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 December 19, 2013, against defendant Correctional Officer Moore ("Defendant"), for use of excessive force in violation of the Eighth Amendment. (ECF No. 1.) This case is presently in the discovery phase, pursuant to the court's orders of August 20, 2014 and May 29, 2015. (ECF Nos. 25, 29.)

On June 24, 2015, Plaintiff filed a document entitled "Motion for Discovery – Disclosure of Documents." (ECF No. 32.) Plaintiff's "Motion" is not fashioned as a motion to compel discovery directed to the court. Instead, Plaintiff's "Motion" constitutes a request for production of documents pursuant to Rule 34 of the Federal Rules of Civil Procedure, and the court shall construe it as such.

1 Plaintiff is advised that discovery documents should be sent to the Defendant, not to the
2 court. Fed. R. Civ. P. 33, 34, 36. Pursuant to Local Rules, discovery documents including
3 interrogatories, requests for production of documents, requests for admission, responses, and
4 proofs of service, "shall not be filed unless and until there is a proceeding in which the
5 document or proof of service is at issue." L.R. 250.2(c), 250.3(c), 250.4(c). Here, there is no
6 indication that a proof of service or any discovery document is at issue in this case.¹ Therefore,
7 Plaintiff's request for production of documents shall be stricken from the record as improperly
8 filed.

9 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for
10 production of documents, filed on June 24, 2015, is STRICKEN from the record.

11 IT IS SO ORDERED.

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13 Dated: June 25, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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27 ¹In 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 August 20, 2014 for information about conducting discovery.