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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL STEVEN KING,

12 Plaintiff,

13 vs.

14 DEATHRIAGE, et al.,

15 Defendants.
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1:14-cv-00111-LJO-GSA-PC

ORDER STRIKING PLAINTIFF'S
REQUEST FROM COURT RECORD
(ECF No. 26.)

17 Michael Steven King ("Plaintiff") is a state prisoner proceeding pro se with this civil
18 rights action pursuant to 42 U.S.C. § 1983. This action now proceeds with the original
19 Complaint filed by Plaintiff on January 27, 2014, against defendants Sergeant Deathriage,
20 Correctional Officer (C/O) J. Martinez and C/O Briones for use of excessive physical force,
21 and against defendant LVN Angulo for denial of medical care.¹ (ECF No. 1.) This case is
22 presently in the discovery phase, pursuant to the court's scheduling order of December 30,
23 2014. (ECF No. 18.)

24 On June 1, 2015, Plaintiff filed a request to postpone oral deposition and production of
25 documents. (ECF No. 26.) Defendants have not filed a response to the request.
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28 ¹On October 9, 2014, the Court issued an order dismissing all other claims and defendants from this action, for failure to state a claim. (Doc. 11.)

1 Plaintiff's request is not fashioned as a motion directed to the court, and is instead
2 directed to defense counsel. Plaintiff requests defense counsel to reschedule his deposition and
3 allow him additional time to produce documents, due to Plaintiff's imminent transfer to another
4 prison. Plaintiff's proof of service shows that he served the request on defense counsel. (ECF
5 No. 26 at 3.) However, this request should have been sent only to defense counsel and not to
6 the court for filing.² Discovery should be conducted between the parties unless court
7 intervention is required. Therefore, Plaintiff's request shall be stricken from the record as
8 improperly filed. Should Plaintiff require a court order extending time for him to respond to
9 discovery, he should file a motion directed to the court.

10 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request to postpone
11 oral deposition and production of documents, filed on June 1, 2015, is STRICKEN from the
12 record as improperly filed.

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15 IT IS SO ORDERED.

16 Dated: June 25, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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² Pursuant to Local Rules, discovery documents "shall not be filed unless and until there is a proceeding in which the document or proof of service is at issue." L.R. 250.2(c), 250.3(c), 250.4(c).