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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO GARCIA,
Plaintiff,
v.
BALAGSO, et al.,
Defendants.

Case No. 1:14-cv-00999 DLB
ORDER REGARDING PLAINTIFF'S
MOTION FOR DISCOVERY
(Document 34)

Plaintiff Alejandro Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June 2, 2014, in the United States District Court for the Southern District of California. The action was transferred to this Court on June 24, 2014.

Pursuant to Court order, Plaintiff filed a First Amended Complaint on March 6, 2015. The action is proceeding against Defendant Purdy for violation of the Eighth Amendment.

Defendant Purdy's March 15, 2016, motion to dismiss is pending.

On May 23, 2016, Plaintiff filed a "motion for discovery to obtain appeal inquiry." He seeks a Second Level response dated October 17, 2013.

Plaintiff is advised that discovery has not yet opened in this action. As explained in the informational order, the Court will open discovery after Defendant has filed an answer. In this action, Defendant has filed a motion to dismiss and has not yet answered the complaint. The Court's ruling on the pending motion will dictate whether Defendant files an answer.

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Plaintiff is also advised that he may attempt to obtain a copy of his appeal through prison procedures.

Accordingly, Plaintiff's motion is DENIED.

IT IS SO ORDERED.

Dated: May 25, 2016

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE