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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CRUZ TRUJILLO,
Plaintiff,
vs.
C/O MUNOZ,
Defendant.

1:14-cv-01215-GSA-PC
ORDER DENYING REQUEST TO
PROCEED WITH DISCOVERY AND
SCHEDULE TRIAL
(Doc. 14.)

Guillermo Cruz Trujillo (“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 the Complaint commencing this action on August 4, 2014. (Doc. 1.) On August 22, 2014, Plaintiff consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c). (Doc. 5.) On January 14, 2015, the court issued an order dismissing the Complaint for failure to state a claim, with leave to amend. (Doc. 10.) On January 28, 2015, Plaintiff filed the First Amended Complaint, which awaits the court’s requisite screening. (Doc. 11.)

On March 16, 2015, Plaintiff filed a request to proceed with discovery and schedule the trial for this action. (Doc. 14.) Plaintiff discusses his efforts to obtain records from the prison, and requests a form for issuance of a subpoena.

Plaintiff is advised that the court will issue a scheduling order opening discovery after the complaint has been served and the defendant has filed an Answer to the complaint. At this

1 stage of the proceedings, Plaintiff's First Amended Complaint awaits the court's requisite
2 screening process. Service of process shall not be initiated until the court has screened the
3 complaint and finds that Plaintiff states cognizable claims. Therefore, it is not time for
4 discovery in this action, and Plaintiff's request to proceed with discovery at this stage of the
5 proceedings shall be denied.

6 Ordinarily, a trial is not scheduled in a case until after discovery has been completed
7 and any pretrial dispositive motions have been resolved. Thus, it is premature to schedule a
8 trial date for this action. Therefore, Plaintiff's request for a trial date shall be denied.

9 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request to
10 commence discovery and schedule a trial date for this action, filed on March 16, 2015, is
11 DENIED.

12 IT IS SO ORDERED.

13 Dated: March 18, 2015

14 /s/ Gary S. Austin
15 UNITED STATES MAGISTRATE JUDGE