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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSEPH PEREZ,

Plaintiff,

v.

R. PADILLA,

Defendant.

Case No. 1:14-cv-01730-DAD-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION TO
FOR DISCOVERY

(ECF NO. 61)

10 Joseph Perez ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma*
11 *pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983.

12 On July 31, 2017, Plaintiff filed a motion for discovery. (ECF No. 61). Plaintiff appears
13 to be attempting to take discovery, which he wants to present at his "court day" on October 2,
14 2017. Plaintiff also mentions that he wants damages for "the 180 days they gave [him] at what it
15 cost[s] to house an inmate monthly."

16 Plaintiff's motion will be denied. Discovery has not yet been opened (ECF No. 5, p. 4),
17 and Plaintiff has not provided a reason why he needs to take early discovery.

18 Additionally, Plaintiff's motion appears to be based on the belief that Plaintiff's trial is set
19 for October 2, 2017. It is not. On October 2, 2017, the Court will be holding an Initial
20 Scheduling Conference. The Court will not be taking evidence regarding the claim in this case at
21 the Conference. Instead, the Court will be setting a schedule for this case. The Court will also
22 discuss discovery with the parties.

23 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's motion for
24 discovery is DENIED.
25 IT IS SO ORDERED.

26 Dated: August 2, 2017

27 /s/ Eric P. Gray
28 UNITED STATES MAGISTRATE JUDGE

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