

1 alleged in the complaint. Marder v. Lopez, 450 F.3d 445, 448 (9th Cir. 2006); Shaver v.
2 Operating Engineers Local 428 Pension Trust Fund, 332 F.3d 1198, 1201, 1203 (9th Cir. 2002).
3 Thus, the Court's Findings and Recommendations regarding the motion to dismiss were based on
4 legal arguments assuming the facts in the complaint were true. Moreover, it is improper to allow
5 discovery without a valid cause of action. Plaintiffs are not entitled to seek discovery using the
6 legal process without first presenting a valid claim under the law.

7 For the same reason, the Court will deny Plaintiff's request for a 90-day extension of time
8 to file objections to Findings and Recommendations. (ECF No. 40). Plaintiff already fully
9 briefed the issues in the motion to dismiss, and Findings and Recommendations should be
10 confined to arguments that this Court erred in its decision based on that briefing. Moreover, as
11 described above, it is improper to take discovery until a court has found Plaintiff states a valid
12 cause of action.

13 Plaintiff's motion (ECF No. 40) also asks for a 90-day extension to respond to the Court's
14 initial disclosures order. Note that this Court extended this deadline by 30 days in a separate
15 order, so that initial disclosures are now due January 17, 2017. (ECF No. 42). Plaintiff should
16 provide the best responses he has by that time and can explain in that document that he does not
17 have documents or other information at this time. But it is important to move this case forward
18 with whatever information is available now.

19 Plaintiff also requests in the context of his motion to be able to discuss this case with other
20 plaintiffs confidentially, and to receive legal documents from his family confidentially. The
21 Court can discuss these issues in the context of the ongoing case at the Initial Scheduling
22 Conference, which has been rescheduled to March 6, 2017, at 2:00 p.m.

23 Based on the foregoing, it is ORDERED that Plaintiff's motion and request to conduct
24 discovery (ECF Nos. 39 & 40) are DENIED.

25 IT IS FURTHER ORDERED that Plaintiff's requests for a stay and for a 90-day extension
26 of time to respond to the findings and recommendations and to exchange initial disclosures (ECF
27 No. 40) are DENIED.

28 IT IS FURTHER ORDERED that Plaintiff's requests to receive mail from other plaintiffs

1 confidentially and legal files from his family confidentially will be heard at the Initial Scheduling
2 Conference on March 6, 2017, at 2:00 p.m.

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4 IT IS SO ORDERED.

5 Dated: December 16, 2016

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE

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