UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

ROBERT BISHOP,) Case No.: 1:15-cv-00273-LJO-SAB (PC)
Plaintiff, v. RAUL LOPEZ, et al., Defendants.	ORDER DENYING PLAINTIFF'S REQUEST FOR ORDER ALLOWING COMMUNICATION WITH INMATE WITNESSES [ECF No. 115]

Plaintiff Robert Bishop is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for a court order to allow communication with inmate witnesses. (ECF No. 115.) Because the Court does not need a response to Plaintiff's motion, the Court elects to rule on the motion prior to the expiration period to file a response pursuant to Local Rule 230(l).

On November 25, 2015, the Court granted Plaintiff's motion to defer ruling on Defendants' exhaustion related motion for summary judgment and granted Defendants' request for a protective order staying all merits-based discovery. (ECF No. 102.)

In his present motion, Plaintiff seeks an order to communicate with certain inmate witnesses to determine if they are willing to testify at trial. As just stated, the Court granted Defendants' request to stay all merits-based discovery and Defendants have filed a motion for summary judgment for failure to exhaust the administrative remedies. In order for Plaintiff to proceed on the merits and ultimately to trial, Plaintiff must first prevail on the motion for summary judgment related to exhaustion. Thus,

Plaintiff requests to communicate with certain witnesses to determine if they are willing to testify at trial is premature and must be denied. Plaintiff is cautioned that he should focus his efforts on opposing Defendants' motion for summary judgment, filed September 24, 2015, and the filing of improper and irrelevant motions relating to the merits of his claims only serves to delay the process and hinders the ability to efficiently resolve this case. The Court can only infer that Plaintiff wishes to submit the motion without meaningful opposition from him.

IT IS SO ORDERED.

Dated: **April 5, 2016**

UNITED STATES MAGISTRATE JUDGE