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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID LESLIE MANNING, JR.,

 Plaintiff,

 v.

M. STAINER, et al.,

 Defendants.

Case No. 1:15-cv-00530 DLB PC

ORDER DENYING PLAINTIFF’S MOTION
FOR SUBPOENA

[ECF No. 8]

Plaintiff David Leslie Manning, Jr., a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 6, 2015. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 5, 2015, Plaintiff filed a motion requesting the issuance of a federal civil subpoena seeking to open discovery. Plaintiff is advised that the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim upon which relief may be granted.” 28 U.S.C. §

1 1915(e)(2)(B)(ii). In this case, the Court has not yet screened the complaint, and service on
2 Defendant has not yet been authorized. Therefore, Plaintiff's motion to commence discovery is
3 premature.

4 **ORDER**

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for issuance of a subpoena
6 is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: May 14, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE