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

ALBERT J. HAMILTON,	)	Case No.: 1:15-cv-00661-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DENYING PLAINTIFF’S MOTION FOR
v.	)	DISCOVERY FOR CASE RESOLUTION
	)	
CLENDEHEN,	)	[ECF No. 64]
	)	
Defendant.	)	
	)	
	)	

Plaintiff Albert J. Hamilton is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on May 28, 2015. Local Rule 302. Defendant has not consented or declined to United States Magistrate Judge jurisdiction.

Currently before the Court is Plaintiff’s motion entitled “discovery for case resolution,” filed January 3, 2017. Plaintiff requests that the Court issue an “order for discovery for case resolution that Plaintiff was a victim of a crime” and that Defendant Clendehen is liable under the United States Constitution. Plaintiff’s motion must be denied.

Plaintiff is advised that he bears the burden of proof in proving the allegations in this case, and Defendant must be provided the opportunity to defend against the allegations by way of filing a dispositive motion, if so desired. In this case, on May 19, 2016, Defendant filed a pre-answer motion to dismiss the complaint on the ground that the allegations failed to give rise to a cognizable claim for

1 relief. On November 7, 2016, the undersigned issued Findings and Recommendations recommending  
2 that Defendant's motion to dismiss be denied. If the Findings and Recommendations are adopted in  
3 full by the district judge, then Defendant will be directed to file a further response to the complaint. If  
4 and when an answer is filed to the complaint, the Court will issue a discovery and scheduling order  
5 opening discovery and setting for the deadlines for filing further dispositive motions. Accordingly,  
6 Plaintiff's motion for resolution of the instant case is DENIED.

7  
8 IT IS SO ORDERED.

9 Dated: January 4, 2017



UNITED STATES MAGISTRATE JUDGE