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

BRIAN CAPUTO,  
Plaintiff,  
v.  
GONZALES and DOE(S),  
Defendants.

Case No. 1:15-cv-01008-EPG (PC)  
ORDER DENYING PLAINTIFF’S MOTION  
FOR DISCOVERY  
(ECF NO. 67)

10 Brian Caputo (“Plaintiff”) is a prisoner<sup>1</sup> proceeding *pro se* and *in forma pauperis* in this  
11 civil rights action filed pursuant to 42 U.S.C. § 1983.

12 On November 14, 2017, Plaintiff filed a motion for discovery. (ECF No. 67). Plaintiff  
13 appears to be seeking documents from Kern County Sheriff’s Office related to one of his claims  
14 in this case.

15 Plaintiff’s motion will be denied. While the Court granted Plaintiff’s motion for issuance  
16 of a subpoena *duces tecum* upon Kern County Sheriff’s Office, it was for the limited purpose of  
17 identifying and finding an address for defendant Gonzalez. (ECF No. 51). Full discovery has not  
18 yet been opened in this case (ECF No. 3, p. 4), and Plaintiff has not provided a reason why he  
19 needs to take additional early discovery. Moreover, Kern County Sheriff’s Office is not currently  
20 a party to this case. Therefore, if Plaintiff wants documents from Kern County Sheriff’s Office  
21 he must (as he did before) file a motion for a subpoena *duces tecum* once the Court issues a  
22 scheduling order opening discovery.

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<sup>1</sup> At the time of the incidents alleged in the complaint, Plaintiff was detained at Kern County Jail. He is now incarcerated at FCI Marianna.

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Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff's motion for discovery is DENIED without prejudice.

IT IS SO ORDERED.

Dated: November 15, 2017

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE