1			
2			
3			
4			
5			
6			
7			
8	UNITED STATES DISTRICT COURT		
9	EASTERN I	DISTRICT OF CALIFORNIA	
10	LOSE A ODTIZ	Core No. 1.15 or 01270 DAD H T (DC)	
11	JOSE A. ORTIZ, Plaintiff,	Case No. 1:15-cv-01370-DAD-JLT (PC) ORDER DENYING PLAINTIFF'S MOTION TO	
12	v.	<b>COMPEL; DISREGARDING PLAINTIFF'S</b>	
13	GARZA,	<b>REQUEST FOR AN EXTENSION OF TIME TO PRODUCE "EXCULPATORY EVIDENCE;" and STRIKING PLAINTIFF'S RESPONSE TO</b>	
14	Defendant.	DEFENDANT'S ANSWER	
15		(Docs. 26, 27, 29)	
16 17	On August 18, 2016, Plaintiff filed a motion to compel Defendant to produce a copy of		
17	the incident report pertaining to the incident Plaintiff challenges in this action. (Doc. 26.)		
10	However, the Court did not issue the Discovery and Scheduling Order until September 20, 2016.		
20	(Doc. 30.) Thus, discovery was not permitted to begin until after that date and, as a result, the		
21	motion to compel is procedurally improper.		
22	On August 22, 2016, Plaintiff sought an extension of time "to produce "exculpatory		
23	evidence." (Doc. 27.) There are no current deadlines for Plaintiff to file any documents with the		
24	court. Further, as stated in the First Informational Order (Doc. 3, p. 3), the Court will not serve as		
25	a repository for evidence. Plaintiff may not file evidence (prison, disciplinary or medical		
26	records, witness affidavits, etc.) unless in support of a properly noticed motion or upon the		
27	Court's order. (Id.) Plaintiff is reminded that evidence improperly submitted will be stricken.		
28	( <i>Id</i> .)		

1	On August 24, 2016, Plaintiff filed a "Response" to Defendant's Answer. (Doc. 29.)	
2	However, Plaintiff does not have a right to file a response to Defendant's Answer under the Local	
3	Rules or the Federal Rules of Civil Procedure, and Plaintiff did not obtain leave of court to do so.	
4	Accordingly, the Court <b>ORDERS</b> :	
5	1. Plaintiff's motion to compel production of documents from Defendant, filed on	
6	August 18, 2016 (Doc. 26), is <b>DENIED</b> ;	
7	2. Plaintiff's motion for an extension of time to file evidence, filed on August 22,	
8	2016 (Doc. 27), is <b>DISREGARDED</b> ;	
9	3. Plaintiff's response to Defendant's Answer, filed on August 24, 2016 (Doc. 29), is	
10	STRICKEN from the record.	
11		
12	IT IS SO ORDERED.	
13	Dated: September 28, 2016 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE	
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	2	