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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE A. ORTIZ,

 Plaintiff,

 v.

GARZA,

 Defendant.

Case No. 1:15-cv-01370-DAD-JLT (PC)
ORDER ON PLAINTIFF’S
EX-PARTE MOTION

(Doc. 33)

On October 18, 2016, Plaintiff filed document inquiring about documents he submitted to the Court in compliance with the Discovery and Scheduling Order (the D&S Order) (Doc. 30), which were returned to him. (Doc. 33.) It appeared that Plaintiff attempted to comply with the September 20th D&S Order, by submitting his initial disclosures to the Court.¹

However, on October 5, 2016, an Amended Discovery and Scheduling Order issued which stated in the very first sentence: **“The Discovery and Scheduling Order the Court issued on September 20, 2016 is no longer in effect.”** (Doc. 32, p. 1 (emphasis in original).) The pivotal difference in the September 20th D&S Order and the October 5th Amended D&S Order was that Rule 26 of the Federal Rules of Civil Procedure initial disclosures are no longer required. This relieved both sides of the requirement to produce initial disclosures. Thus, when

¹ Plaintiff was supposed to provide any such disclosures directly to Defendant, and merely submit a copy of the cover-letter to the Court, or a separate letter reflecting the date he sent his disclosures to Defendant. (Doc. 30, p. 1.)

1 Plaintiff's initial disclosures were received by the Clerk's Office, they were stamped "Received"
2 and returned to Plaintiff in their entirety. Plaintiff need only comply with the October 15th
3 Amended D&S Order.

4 Plaintiff inquires whether he is "to wait for response [sic] responds [sic]." (Doc. 33, p.
5 1.) Plaintiff may engage in discovery as addressed in the Amended D&S Order and should not
6 wait for Defendant to provide initial disclosures, since no longer required.

7 Accordingly, the Court **ORDERS** that Plaintiff's ex-parte motion, filed on October 18,
8 2016 (Doc. 33), is **GRANTED** in as much as this order resolves his confusion.

9
10 IT IS SO ORDERED.

11 Dated: October 20, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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