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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 DENYING PLAINTIFF’S MOTION
FOR PRODUCTION OF DOCUMENTS**
(Doc. 37)

On December 27, 2016, Plaintiff filed a motion requesting Defendant to produce documents under Federal Rule of Civil Procedure 34. (Doc. 37.) This is a request for production of documents which should only have been served on Defendant and not filed with the Court.

The Amended Discovery and Scheduling Order, which controls discovery in this action, specifically states “Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 135 and shall only be filed when required by Local Rules 250.2, 250.3, and 250.4.” (Doc. 32, p. 1.) Plaintiff may file a motion to compel if, and only after complying with the directions in the Discovery and Scheduling Order, he feels Defendant has not produced a document/item that he has requested. However, Plaintiff’s motion fails to show that he has served his requests for production on Defendant and that Defendant has provided an insufficient response.

This is not the first frivolous motion to compel that Plaintiff has improperly filed. (*See*

1 Docs. 26, 31.) Accordingly, any further motions from Plaintiff to compel discovery responses
2 which do not meet the requirements of the Local Rules will be summarily stricken.

3 Thus, the Court **ORDERS** that Plaintiff's motion to compel production of documents
4 from Defendant, filed on December 27, 2016, is **DENIED**. The Clerk of the Court is directed to
5 send copies of Local Rules 250.2, 250.3, and 250.4 to Plaintiff.

6 **Plaintiff SHALL NOT file any further frivolous motions.**

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8 IT IS SO ORDERED.

9 Dated: December 29, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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