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8	UNITED STAT	ES DISTRICT COURT
9	EASTERN DIST	RICT OF CALIFORNIA
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11	DAVID CREW,	1:16-cv-00590-LJO-BAM (PC)
12	Plaintiff,	ORDER DENYING PLAINTIFF'S MOTION
13	V.	TO COMPEL DISCOVERY EVIDENCE AS PREMATURE
14	COMMISSIONER OF DEPARTMENT	(ECF No. 17)
15	OF CORRECTIONS AND REHABILITATION,	
16	Defendant.	
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19	Plaintiff David Crew ("Plaintiff") is a	state prisoner proceeding pro se and in forma
20	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on	
21	April 26, 2016. (ECF No. 1.) On August 22	, 2016, Plaintiff filed the instant motion to compel
22	discovery of evidence, seeking to compel the	production of his health information that supports
23	his claims from Kern Valley State Prison. (E	CF No. 17.)
24	Plaintiff's motion for discovery is pre	mature and shall be denied without prejudice. The
25	Court is required to screen Plaintiff's compla	int to determine whether it is subject to dismissal or
26	whether the action should proceed to discovery on Plaintiff's claims. 28 U.S.C. §	
27	1915(e)(2)(B)(ii) ("Notwithstanding any filing fee, or any portion thereof, that may have been	
28	paid, the court shall dismiss the case at any ti	me if the court determines that \dots the action or
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1	appeal fails to state a claim upon which relief may be granted.") In this case, the Court has
2	screened Plaintiff's complaint, and dismissed it for failure to state a claim, with leave to amend.
3	(ECF No. 14.) Thus, there is no operative complaint that this action currently proceeds upon, no
4	defendants have been served or appeared, and discovery has not been opened.
5	The Court further informs Plaintiff that to the extent he seeks to review health records
6	about himself from the institution at which he is currently housed, an order from the Court should
7	not be necessary. Certain documents, such as Plaintiff's own health records, incident reports,
8	Rules Violation Reports, and his central file, should be available for Plaintiff to review by making
9	the necessary requests to prison officials and staff.
10	Accordingly, Plaintiff's motion to compel discovery, dated August 22, 2016 (ECF No. 17)
11	is HEREBY DENIED, without prejudice, as premature.
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13	IT IS SO ORDERED.
14	Dated: August 24, 2016 /s/ Lawrence J. O'Neill
15	UNITED STATES CHIEF DISTRICT JUDGE
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