

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,  
Plaintiff,  
v.  
FERRSO et al,  
Defendants.

Case No. 1:16-cv-01813-EPG (PC)  
ORDER DENYING MOTION FOR  
DISCOVERY  
[ECF No. 18]

Michael Gonzales (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court screened Plaintiff’s civil rights complaint on March 10, 2017 and found that the complaint states a claim for forcible medication in violation of the Due Process Clause of the Fourteenth Amendment and no other claims.<sup>1</sup> (ECF No. 14). The United States Marshals Service has been directed to effectuate service of process, which is in process. (ECF No. 16.) No Defendants have appeared in the case as of this date, and thus, discovery has not yet begun.

On May 15, 2017, Plaintiff filed the instant motion for discovery. (ECF No. 18.) He requests “early discovery due to extraordinary circumstances.” (*Id.* at 1.) Plaintiff states that this

---

<sup>1</sup> Plaintiff has consented to Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c) (ECF No. 4), and no other parties have made an appearance. Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

1 is a food medicating case and that he believes the defendants are still medicating his food  
2 without his consent or knowledge. (*Id.*) He requests that this Court order that his blood be tested  
3 “for antipsychotic drugs of any kind with D.N.A. verification.” (*Id.* at 5.)

4 The Court will deny Plaintiff’s motion for discovery at this time. (ECF No. 18.) The  
5 Court is not capable of ordering the relief requested (i.e. a blood test). Furthermore, the  
6 defendants have not yet been served with process in this case. Thus, the Court lacks personal  
7 jurisdiction over any defendant and is not able to open discovery or order a defendant to take any  
8 particular action at this time. When the defendants have appeared and filed an answer to the  
9 complaint, the Court will issue a scheduling order that addresses discovery in this case.

10 IT IS SO ORDERED.

11  
12 Dated: May 16, 2017

13 /s/ Eric P. Gray  
14 UNITED STATES MAGISTRATE JUDGE