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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DOMINIQUE D. BAKER,	)	Case No.: 1:16-cv-01873-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	<b>ORDER DENYING, WITHOUT PREJUDICE,</b>
v.	)	<b>PLAINTIFF’S MOTION FOR DISCOVERY AS</b>
	)	<b>PREMATURE</b>
HUMBERTO GERMAN, et al.,	)	
	)	[ECF No. 21]
Defendants.	)	
	)	

Plaintiff Dominique Baker is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for discovery, filed May 24, 2017.

Plaintiff’s motion must be denied as premature. On May 1, 2017, the undersigned screened Plaintiff’s second amended complaint and issued Findings and Recommendations recommending that this action proceed on Plaintiff’s claim of excessive force against Defendants Humberto German and Phillip Holguin and Plaintiff’s false imprisonment claim be dismissed. The Findings and Recommendations have not be resolved by the assigned District Judge.

However, as Plaintiff was advised in the Court’s First Informational Order issued December 16, 2016, discovery in this action does not open until after Defendants’ file an answer to the complaint and no discovery may be initiated until the Court issues a discovery order or otherwise orders that discovery begin. (ECF No. 3, Order at 4.) Defendants have not yet filed an answer to the complaint

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and the Court has not issued the necessary discovery order. Moreover, Plaintiff is reminded that discovery matters are to be conducted between the parties and, absent a need for intervention, should not be served on the Court. (Id.) Accordingly, Plaintiff's motion for discovery is denied, without prejudice, as premature.

IT IS SO ORDERED.

Dated: May 25, 2017

  

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UNITED STATES MAGISTRATE JUDGE