

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA III,
Plaintiff,
v.
C. COOPER, *et al.*,
Defendants.

Case No. 1:17-cv-00004-DAD-JDP
ORDER DENYING PLAINTIFF’S
DISCOVERY MOTIONS
(Doc. Nos. 54, 56)

Plaintiff Monico J. Quiroga III is a state prisoner proceeding without counsel in this civil rights action under 42 U.S.C. § 1983. He brings an Eighth Amendment excessive force claim against defendants C. Cooper and J. Moreno. Plaintiff has filed two motions that appear to request production of documents, electronically stored information, and tangible things under Federal Rule of Civil Procedure 34. (Doc. Nos. 54, 56.)

If plaintiff is attempting to request documents or other tangible things from defendants, he should send the discovery request directly to them. *See* Fed. R. Civ. P. 34 (a) (“A party may *serve on any other party* a request within the scope of Rule 26(b)” (emphasis added)). The local rules provide that discovery requests “shall not be filed unless and until there is a proceeding in which the request, response, or proof of service is at issue.” Local Rule 250.3. There is currently no proceeding in which the request is at issue.

1 Therefore, plaintiff's motions (Doc. Nos. 54, 56) are denied to the extent they can be
2 construed as a request for a court order.

3
4 IT IS SO ORDERED.

5 Dated: July 26, 2018


UNITED STATES MAGISTRATE JUDGE

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