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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PATRICK JACKSON,

Plaintiff,

v.

L. SMALLEY, et al.,

Defendants.

Case No. 1:17-cv-00110-MJS (PC)

**ORDER DENYING MOTION TO  
COMPEL**

**(ECF No. 4)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983.

On January 24, 2017, Plaintiff filed a request for production of documents, which was docketed as a motion to compel. (ECF No. 4.) Plaintiff's request will be denied without prejudice because it is premature.

Plaintiff initiated this action on January 24, 2017, and his complaint presently is pending screening. The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous, malicious," or that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). "Notwithstanding any filing

1 fee, or any portion thereof, that may have been paid, the court shall dismiss the case at  
2 any time if the court determines that . . . the action or appeal . . . fails to state a claim  
3 upon which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii). This requirement is  
4 mandatory. The Court will screen Plaintiff’s complaint in due course.

5 In the event the Court screens Plaintiff’s complaint and determines that it states a  
6 cognizable claim, the Court will order service upon the Defendants. The Court will not  
7 open discovery until Defendants have been served with the complaint and filed a  
8 responsive pleading. At that time, Plaintiff may serve his discovery requests directly  
9 upon the Defendants. Such requests need not, and indeed should not, be filed with the  
10 Court. In the meantime, however, Plaintiff’s request is premature.

11 Accordingly, Plaintiff’s request for production of documents, which was docketed  
12 as a motion to compel, is HEREBY DENIED without prejudice.

13  
14 IT IS SO ORDERED.

15 Dated: January 27, 2017

/s/ Michael J. Seng  
16 UNITED STATES MAGISTRATE JUDGE