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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES BOWELL,

Plaintiff,

vs.

F. MONTROYA, et al.,

Defendants.

1:17-cv-00605-LJO-GSA-PC

ORDER DENYING REQUEST TO
PROCEED WITH DISCOVERY
(ECF No. 11.)

James Howell (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on May 1, 2017. (ECF No. 1.) On June 29, 2017, Plaintiff filed a request to proceed with discovery. (ECF No. 11.)

Plaintiff is advised that the court will issue a scheduling order opening discovery after the Complaint has been served and one or more of the defendants has filed an Answer to the Complaint. At this stage of the proceedings, Plaintiff’s Complaint awaits the court’s requisite screening process. Service of process shall not be initiated until the court has screened the Complaint and finds that Plaintiff states cognizable claims. Therefore, it is not time for discovery in this action, and Plaintiff’s request to proceed with discovery at this stage of the proceedings shall be denied.

1 Plaintiff has submitted exhibits pertaining to events occurring after the Complaint was
2 filed. Plaintiff is advised that these exhibits and the after-occurring events referred to in the
3 exhibits are not part of the Complaint and shall not be considered when the Complaint is
4 screened.

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request to
6 commence discovery in this action, filed on June 29, 2017, is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: July 5, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE