

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

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
S. SAVIOE,
Defendant.

Case No. 1:17-cv-01474-DAD-BAM (PC)
**ORDER DENYING MOTION FOR DISTRICT
COURT NOT TO IMPOSE SANCTIONS OR
DISMISSAL OF CASE AS MOOT**

Plaintiff Guillermo Trujillo Cruz (“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 initiated this action on November 2, 2017. (ECF No. 1.) On November 3, 2017, the Court issued an order requiring Plaintiff to submit an application to proceed in forma pauperis or pay the filing fee within forty-five (45) days. (ECF No. 3.) On November 13, 2017, Plaintiff submitted a motion to proceed in forma pauperis, including a certificate of funds in prisoner’s account and an inmate trust account statement, both certified by the CDCR Trust Office. (ECF No. 6.) On November 21, 2017, the Court issued an order granting Plaintiff’s motion to proceed in forma pauperis. (ECF No. 7.)

Currently before the Court is Plaintiff’s motion for District Court not to impose sanctions or dismissal of case, filed December 1, 2017. (ECF No. 8.) Plaintiff states that on November 21, 2017, he submitted a request for a signed and certified account statement from the Trust Account

1 Office at Kern Valley State Prison. Plaintiff believes that the Trust Account Office is denying
2 him the requested documents to prevent him from proceeding with the instant action. Plaintiff
3 files this motion to inform that Court that his inability to meet the deadline is due to the
4 negligence and obstruction of prison officials. Plaintiff further requests a subpoena form for this
5 case, so that he may request production of documents and electronically stored information. (Id.)

6 As discussed above, the Court has received Plaintiff's completed motion to proceed in
7 forma pauperis, along with a certified copy of his trust account statement. (ECF No. 6.) As this
8 motion has been granted and no further documentation is required, no sanctions are contemplated
9 and Plaintiff's motion is denied as moot.

10 To the extent Plaintiff requests a subpoena form so he may request production of
11 documents, Plaintiff's request is premature. The Court has not yet screened the complaint, as
12 required by 28 U.S.C. § 1915A, nor has the complaint been served on any defendant. Discovery
13 will commence following the service of Plaintiff's complaint. Plaintiff's complaint will be
14 screened in due course.

15 Accordingly, the Court HEREBY DENIES Plaintiff's motion for District Court not to
16 impose sanctions or dismissal of case, (ECF No. 8), as moot.

17
18 IT IS SO ORDERED.

19 Dated: December 6, 2017

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE