

1 October 5, 2020. (ECF No. 39.) Plaintiff notes that his previous request to open discovery was
2 denied pending resolution of Defendant's motion to dismiss, and the undersigned ordered that the
3 Court would open discovery on any of Plaintiff's remaining claims "once the pleadings are set."
4 (Id. at 2; ECF No. 26, p. 18.) Plaintiff states that he will need a great deal of discovery to
5 adequately respond to any dispositive motions filed by Defendant in this case, and requests that
6 while waiting for the Court to adjudicate Plaintiff's motion for reconsideration, discovery should
7 open at least with respect to Plaintiff's failure to patrol claim. Plaintiff argues that if the Court
8 grants Plaintiff's motion to reconsider dismissal of Plaintiff's tower guard claim and permit that
9 claim to proceed, Plaintiff could, at that time, ask the Court to broaden its discovery order. (ECF
10 No. 39.)

11 Defendant has not had an opportunity to respond to the motion, but the Court finds a
12 response unnecessary. The motion is deemed submitted. Local Rule 230(l).

13 Plaintiff's motion for discovery is premature. As a result of Plaintiff's motion for
14 reconsideration, the Court vacated the deadline for Defendant to file a responsive pleading to the
15 complaint. As such, the pleadings are not set, and discovery remains inappropriate at this time.
16 Once the motion for reconsideration is resolved, the Court will reinstate the deadline for
17 Defendant to respond to the complaint. After a responsive pleading is filed, the Court will then
18 issue an order opening discovery. Finally, to the extent Plaintiff is concerned about responding to
19 future dispositive motions, the Court notes that the order opening discovery will also set the
20 deadlines for the filing of dispositive motions and will allow ample time for the parties to conduct
21 discovery before dispositive motions are due.

22 Accordingly, Plaintiff's motion for order opening discovery, (ECF No. 39), is HEREBY
23 DENIED, without prejudice, as premature.
24 IT IS SO ORDERED.

25 Dated: October 8, 2020

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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