

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

LARRY WILLIAMS CORTINAS,
Plaintiff,
v.
RAVIJOT GILL, JR., *et al.*,
Defendants.

Case No. 1:18-cv-00515-NONE-HBK
ORDER DENYING PLAINTIFF’S EX PARTE
MOTION FOR DISCOVERY AND
SCHEDULING ORDER
(Doc. No. 51)

Plaintiff Larry Williams Cortinas, a state prisoner, is proceeding on his first amended complaint filed pursuant to 42 U.S.C. § 1983. (Doc. No. 17). Defendants moved to the dismiss the complaint. (Doc. No. 28). On September 1, 2021, the undersigned issued findings and recommendations to grant Defendants’ motion to dismiss. (Doc. No. 52). Before the Court is Plaintiff’s ex parte motion for discovery and scheduling order, filed August 30, 2021. (Doc. No. 51). Plaintiff states that he needs to engage in discovery to “present evidence. [sic] On issues that require a response.” (*Id.* at 1). Plaintiff states that he wishes “to present this case for trial.” (*Id.*).

The Court will deny Plaintiff’s motion for discovery and scheduling order without prejudice. Because findings and recommendations to grant Defendants’ motion to dismiss are pending before the District Court, the Court will not issue a discovery and scheduling order at this time. If the findings and recommendations are not adopted by the District Court, the case will proceed to discovery. The Court will issue a scheduling and discovery order at that time.

1 Further, Plaintiff is advised that he should refrain from filing such *ex parte* motions. In
2 accordance with Local Rule 135(d), “copies of all documents submitted to the Court shall be
3 served upon all parties to the action.”

4 Accordingly, it is ORDERED:

5 Plaintiff’s motion for discovery and scheduling order (Doc. No. 51) is DENIED.

6

7

Dated: September 4, 2021

8


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28