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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAVIN FENIX,  
Plaintiff,  
v.  
GAVIN NEWSOM, et al.,  
Defendants.

No. 1:24-cv-00202-JLT-SAB (PC)  
ORDER DISREGARDING PLAINTIFF’S  
MOTION FOR DISCOVERY  
(ECF No. 21)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for discovery, filed May 31, 2024. Therein, Plaintiff requests that Defendants produce several documents. (ECF No. 21.) Plaintiff’s motion is both premature and improperly filed with the Court.

As stated in the Court’s first informational order, “after defendants’ answers are filed, the Court will issue an order opening discovery and setting deadlines for completing discovery, amending the pleadings, and filing dispositive motions. No discovery may be initiated until the Court issues a discovery order or otherwise orders that discovery begin. Once the Court allows discovery to begin, the parties may initiate it, as provided in both the Federal Rules of Civil Procedure and Local Rules, without additional approval from the Court. Discovery requests must

1 be served directly on the attorney for the party from whom discovery is sought. Except in the  
2 case of a discovery dispute (discussed below), parties are not to file copies of their discovery  
3 requests with the Court. Local Rules 250.1, 250.2, 250.3, 250.4. Discovery documents  
4 inappropriately submitted to the Court may be stricken.” (ECF No. 4 at 4.)

5 Here, Defendants have not yet filed an answer as the case is in the screening phase and the  
6 Court has therefore not issued the discovery order opening discovery. In addition, discovery  
7 requests are to be filed only on opposing counsel and should not be filed with the Court unless  
8 and until a dispute arises. Accordingly, Plaintiff’s motion for discovery is disregarded as  
9 premature and improperly filed with the Court. Plaintiff should refrain from attempting to  
10 conduct discovery until the Court has issued the discovery and scheduling order.

11 IT IS SO ORDERED.

12 Dated: June 3, 2024

  
UNITED STATES MAGISTRATE JUDGE

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