1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 KARLIS RUBEN AUGUSTUS No. 1:24-cv-00285-JLT-SAB (PC) HOWARD, 12 ORDER DENYING PLAINTIFF'S MOTION Plaintiff, FOR SUBPOENA DUCES TECUM AS 13 **PREMATURE** v. 14 (ECF No. 23.) RODRIGUEZ, 15 Defendant. 16 17 18 Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 19 U.S.C. § 1983. This action is proceeding against Defendant Rodriguez for failure to protect and 20 negligence. 21 On August 22, 2024, Plaintiff filed, inter alia, a motion for subpoena duces tecum. (ECF 22 No. 23.) Plaintiff's motion is premature and should not be filed with the Court. Although the 23 Court has ordered service and CDCR has filed a notice of intent to waive, the waiver of service is 24 not due until September 25, 2024. (ECF Nos. 17, 22.) As Plaintiff was notified in the Court's 25 first informational order, an order opening discovery is issued once an answer is filed. (ECF No. 26 2.) Since as answer has not been filed, Plaintiff's motion is prematurely filed. Further, discovery 27 motions are not to filed with the Court unless and until there is a discovery dispute. Accordingly, 28

1	Plaintiff's motion for subpoena duces tecum is DENIED as premature.
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3	IT IS SO ORDERED.
4	Dated: August 28, 2024 UNITED STATES MAGISTRATE JUDGE
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