

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ERNEST ANAYA,

Plaintiff,

No. CIV S-07-0029 GEB GGH P

vs.

ROSEANNE CAMPBELL, et al.,

Defendants.

ORDER

_____ /

Pending before the court is plaintiff’s motion to compel filed December 11, 2008. Plaintiff moves to compel defendants to respond to his motion for discovery filed November 24, 2008. On December 15, 2008, the court denied plaintiff’s November 24, 2008, discovery motion. This most recent “motion to compel discovery” is more in the nature of initial demands for information rather than a motion seeking further answers to already promulgated discovery. Because the discovery motion to compel is not a motion to compel at all, the motion to compel is denied.

On December 31, 2008, plaintiff filed a set of interrogatories. Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor that party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the

1 Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with
2 the court unless, and until, they are at issue.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's December 11, 2008, motion to compel (no. 138) is denied;
- 5 2. Plaintiff's December 31, 2008, notice of interrogatories (no. 141) will be
6 placed in the court file and disregarded. Plaintiff is cautioned that further filing of discovery
7 requests or responses, except as required by rule of court, may result in an order of sanctions,
8 including, but not limited to, a recommendation that this action be dismissed.

9 DATED: January 15, 2009

10 /s/ Gregory G. Hollows

11 UNITED STATES MAGISTRATE JUDGE

12
13 an29.com(2)