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

CLARENCE A. GIPBSIN,

Plaintiff,

No. CIV S-07-0157 MCE EFB P

vs.

SCOTT KERNAN, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Plaintiff filed on May 24, 2010, objections to defendants’ request for production of documents. On June 21, 2010, he filed a pretrial statement. This order addresses both filings.

Discovery requests, and objections thereto need not be filed with the court until such time as motion to compel discovery or a motion for a protective order to limit discovery is filed. Thus, interrogatories, requests for production, requests for admission, responses and proofs of service thereof “shall not be filed with the clerk until there is a proceeding in which the document or proof of service is at issue. When required in a proceeding, only that part of the request and response that is in issue shall be filed.” Local Rules 250.2-250.4. There currently is no discovery motion pending before the court. Therefore, plaintiff’s objections to defendants’ discovery request are not currently at issue and will therefore be stricken.

1           Additionally, the deadline for filing dispositive motions in this action was August 13,  
2 2010. Dckt. No. 176. Defendants filed a motion for summary judgment on August 12, 2010.  
3 Dckt. No. 180. After resolution of that motion, if appropriate, the court will order the parties to  
4 file pretrial statements. Plaintiff's pretrial statement will therefore be stricken as premature.

5           Accordingly, plaintiff's May 24, 2010 objections and plaintiff's June 21, 2010 pretrial  
6 statement are stricken and the Clerk of the Court shall make a notation on the docket to that  
7 effect.

8 DATED: December 10, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE