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

DAVID E. EDWARDS,  
Plaintiff,

No. CIV S-08-0620-CMK-P

vs.

ORDER

CSP SOLANO, et al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c). Pending before the court is Plaintiff’s motion for production of documents (Doc. 53). Defendants have filed an opposition to the motion (Doc. 55); Plaintiff has filed a reply (Doc. 56).

The court notes that plaintiff has titled this document a motion for production of documents, not a motion to compel. It is apparent from the filings, that plaintiff propounded interrogatories, but not a request for production of documents, on defendants. Defendants apparently timely responded to the interrogatories. However, no request for production of

1 documents was ever propounded on defendants.

2 Rule 34 of the Federal Rules of Civil Procedure provides the parties with the  
3 ability to request copies of documents related to the claims raised in an action. However,  
4 plaintiff failed to avail himself the opportunity to request such documents through the means  
5 provided. Rather, he propounded interrogatories pursuant to Rule 33, which defendants  
6 responded to. Plaintiff is not requesting the court issue an order compelling a response or further  
7 response from defendants. Rather, plaintiff is requesting the court issue an order requiring  
8 defendants to produce a document he never asked for.<sup>1</sup> The court declines to issue an order for  
9 the production of documents which plaintiff failed to request during discovery.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for production of  
11 documents (Doc. 53) is denied.

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14 DATED: January 3, 2011

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16 **CRAIG M. KELLISON**  
17 UNITED STATES MAGISTRATE JUDGE

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25 <sup>1</sup> To the extent Plaintiff did ask for the document in the interrogatory, the  
26 interrogatories have not been provided to the court. The court cannot therefore review the  
interrogatory and response thereto for sufficiency.