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

LLEWELYN L. GABALIS,

No. CIV S-09-0253-CMK-P

Plaintiff,

vs.

ORDER

R. PLAINER, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to compel (Doc. 23).

Plaintiff seeks an order directing defendant Amero to produce documents. Plaintiff has not, however, established that he served a discovery request on defendant Amero or, if he did, the time for Amero to respond expired with either no response or an inadequate response was provided. To the extent plaintiff did serve a discovery request and he alleges that defendant Amero’s response is inadequate, plaintiff has not provided the court any argument as to why the response is inadequate or why objections should be overruled.

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1 In order to evaluate plaintiff's motion, the court would need to be provided with a
2 copy of plaintiff's discovery request, with proof of service of such request, along with any
3 response served by defendant Amero. Plaintiff's motion to compel (Doc. 23) is denied without
4 prejudice to renewal within the time permitted by the court's June 11, 2009, scheduling order.

5 IT IS SO ORDERED.

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8 DATED: October 14, 2009

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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