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

RONALD E. WALTON

Plaintiff,

vs.

NO. CIV S-09-1246 GEB GGH (TEMP) P

S. HIXSON, et al.

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. He has filed a motion to compel defendants to respond to certain discovery requests (Docket No. 27). The motion is premature. On February 23, 2011, the court adopted the magistrate judge’s findings and recommendations that defendants’ motion to dismiss be granted in part and denied in part. See Docket No. 34. On March 11, the court granted the remaining defendants leave to file a supplemental motion to dismiss. See Docket No. 36. That motion remains pending, and no defendant has yet filed an answer to the complaint. In this case, the court will issue a scheduling order that defines the period for discovery requests and responses such as the ones plaintiff now seeks to compel. Therefore, the motion to compel defendants to respond to plaintiff’s discovery requests will be denied without prejudice to plaintiff’s renewal of the motion after the discovery period has begun and defendants have had time in which to respond to plaintiff’s requests.

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Accordingly, IT IS HEREBY ORDERED that the motion to compel discovery responses (Docket No. 27) is denied without prejudice.

DATED: May 23, 2011

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH:hm
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