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

LEE WILSON,

No. CIV S-09-2191-LKK-CMK-P

Plaintiff,

vs.

ORDER

SANDRA LEE WEVER, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff motion entitled “Request for Order for Sanctions; Contempt Compliance; and Default Judgment” (Doc. 25).

In his one-page motion, plaintiff states as follows:

Comes now the Plaintiff in the above entitled action hereby asks the court to order Mary David a defendant to comply with and complete the enclosed interrogatory that was mailed to her on 10/20/09. That Ms. David be held in contempt and sanctions issued for non-compliance. And Ms. David be ordered to appear.

Finally, that a default be entered against Defendant Mary David who was duly served by the sheriff on 10/13/09 with a summons and complaint and who has failed to respond.

///

1 It appears by this request that plaintiff is seeking: (1) an order compelling defendant David to
2 produce discovery responses; (2) an order for sanctions against defendant David; and (3) a
3 default judgment against defendant David. A review of the docket reflects that the court has not
4 yet determined that service of the complaint is appropriate. As such, no defendant has been
5 property served pursuant to this court's authorization. Because defendant David has not been
6 served, any discovery is premature and default is not appropriate.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 25) is
8 denied.

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10 DATED: September 29, 2010

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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