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

XAVIER DMETRI NAILING,

No. 2:09-CV-2475-MCE-CMK

Plaintiff,

vs.

ORDER

B.D. FOSTERER, et al.,

Defendants.

_____ /

Plaintiff, a former prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s document entitled “Notice Motion of Plaintiff’s Request of All Central Files File H57864, P08725 and G25239 by Defendants’ Counsel Daniel Ikeri; Request for Document Production” (Doc. 94) To the extent this document is a request for discovery, plaintiff is advised that discovery requests should not be filed except in the context of a motion to compel. To the extent plaintiff’s document is a motion to compel, it is procedurally defective. In the court’s August 8, 2012, scheduling order, plaintiff was informed that this case was proceeding under the local rules as a civil pro se (non-prisoner) case because plaintiff is no longer incarcerated. Plaintiff was also informed that all motions pertaining to discovery must be noticed to be heard by December 14, 2012. Plaintiff’s motion

1 does not notice any hearing date whatsoever. Because plaintiff's motion was not noticed for a
2 hearing prior to or on December 14, 2012, plaintiff has failed to comply with the court's August
3 8, 2012, order.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 94) is
5 denied.

6
7 DATED: January 16, 2013

8 
9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE