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

10 JOHN CLINT DRAPER,

11 Plaintiff,

No. 2:10-cv-0032 KJM EFB P

12 vs.

13 D. ROSARIO, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. In accordance with the order filed March 30, 2012, plaintiff has filed an
18 amended complaint. Dckt. No. 49. Plaintiff has also filed a request for production of
19 documents. Dckt. No. 54.

20 Pursuant to 28 U.S.C. § 1915A, the court shall review “a complaint in a civil action in
21 which a prisoner seeks redress from a governmental entity or officer or employee of a
22 governmental entity.” 28 U.S.C. § 1915A(a). “On review, the court shall identify cognizable
23 claims or dismiss the complaint, or any portion of the complaint, if the complaint (1) is frivolous,
24 malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief
25 from a defendant who is immune from such relief.” *Id.* § 1915A(b).

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1 The court finds that for purposes of § 1915A screening, the April 26, 2012 amended
2 complaint states a cognizable Eighth Amendment excessive force claim against defendant
3 Rosario.

4 On June 4, 2012, plaintiff filed a request for production of documents with the court.
5 Plaintiff is hereby informed that he must serve discovery documents on a defendant rather than
6 filing them with the court. Pursuant to this court's local rules, interrogatories, requests for
7 production, requests for admission, and responses thereto "shall not be filed with the clerk"
8 unless there is a proceeding that puts the discovery document at issue. *See* E.D. Cal. Local Rules
9 250.2-250.4. Further, when a discovery document is at issue, only the part of the request or
10 response at issue "shall be filed." *Id.* At this time, there is no proceeding before the court that
11 requires plaintiff's request for production of documents (or an accompanying affidavit) for its
12 resolution. Plaintiff's filing will therefore be disregarded.

13 In accordance with the above, it is hereby ordered that:

14 1. For purposes of § 1915A screening, the April 26, 2012 amended complaint (Dckt. No.
15 49) states a cognizable Eighth Amendment excessive force claim against defendant Rosario.

16 2. Plaintiff's June 4, 2012 filing (Dckt. No. 54), is disregarded and the Clerk of the Court
17 shall make a notation on the docket to that effect.

18 DATED: June 18, 2012.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
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