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

DELBERT WILLIAMS,

Plaintiff,

No. CIV S-10-0656 KJM DAD P

vs.

SABIN, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for all of his medical records under the defendants’ control and supervision.

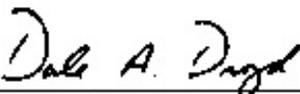
Plaintiff is advised that on June 15, 2011, the court ordered service of plaintiff’s amended complaint on defendants Beck and Sabin. Those defendants have not yet appeared in this action. After the defendants appear and file an answer to plaintiff’s amended complaint, the court will issue a discovery and scheduling order, opening discovery in this case. At that time, plaintiff may request from defendants’ counsel copies of his medical records. See Fed. R. Civ. P. 34 (“[a]ny party may serve on any other party a request” for production of documents).

Plaintiff is informed that he should not file his discovery requests served on an opposing party or the opposing party’s responses to his discovery requests unless he is

1 dissatisfied with the opposing party's response and seeks relief from the court pursuant to the
2 Federal Rules of Civil Procedure. In other words, discovery requests between the parties shall
3 not be filed with the court unless, and until, they are at issue.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for all of his
5 medical records under the defendants' control and supervision (Doc. No. 38) is denied.

6 DATED: August 3, 2011.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

9 DAD:9
10 will0656.recs