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

DELBERT WILLIAMS,

Plaintiff,

No. CIV S-10-0656 DAD P

vs.

SABIN, et al.,

Defendants.

ORDER

_____ /

Plaintiff has filed a motion to compel defendants to produce medical documents, grant plaintiff access to the library, and provide plaintiff with additional sheets of paper so that he can respond to the court.

The court will not issue any orders granting or denying relief until an action has been properly commenced.¹ In order to commence an action, plaintiff must file a complaint, as required by Rule 3 of the Federal Rules of Civil Procedure, and either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). On April 2, 2010, the court provided plaintiff with an in forma pauperis application and

¹ Moreover, to the extent that plaintiff is seeking preliminary injunctive relief, plaintiff's motion is premature. See Zepeda v. United States Immigration Services, 753 F.2d 719, 727 (9th Cir. 1985) ("A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; [however] it may not attempt to determine the rights of persons not before the court.").

1 granted him thirty days to submit the completed application or otherwise pay the \$350.00 filing
2 fee. As of the date of this order, plaintiff has submitted neither.²

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's April 16, 2010 motion to
4 compel (Doc. No. 4) is denied without prejudice.

5 DATED: April 23, 2010.

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

9 DAD:sj
10 will0656.mc

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25 _____
26 ² Again, plaintiff is cautioned that failure to comply with the court's April 2, 2010 order
or to seek an extension of time to do so will result in a recommendation that this action be
dismissed without prejudice.