1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROBERT EPPS, No. 2:14-cv-1347 MCE AC P 12 Plaintiff, 13 **ORDER** v. 14 DELEON, et al., 15 Defendants. 16 17 Plaintiff has filed two documents in this case following issuance of the court's Discovery 18 and Scheduling Order on March 14, 2016, that indicate some confusion about the process of 19 discovery and the filing of dispositive motions. See ECF Nos. 54-5. 20 Regarding discovery, plaintiff is informed that court authorization is not required for 21 plaintiff to serve his discovery requests on defendants, or for plaintiff to respond to the discovery 22 requests served on him by defendants. No party should involve the court in the discovery process 23 absent a dispute they are unable to resolve informally, and then only pursuant to a motion filed in accordance with the Federal Rules of Civil Procedure. Discovery requests between the parties are 24 25 not to be filed with the court unless, and until, they are part of a dispute that is presented to the 26 court by motion. In the meantime, plaintiff should identify the evidence that will support his 27 //// //// 28 1

claims, formulate his discovery requests accordingly, and timely serve his requests on defendants. Another copy of the court's Discovery and Scheduling Order is included with this order; plaintiff should note the deadlines therein that are in **bold**.

Regarding plaintiff's submission of evidence in support of an anticipated motion for summary judgment, plaintiff is informed that no dispositive motions or supporting documents are to be filed and served until **after** the close of discovery (July 15, 2016), and **before** the dispositive motion deadline (October 14, 2016). The October 19, 2010 x-ray report plaintiff recently filed with the court (see ECF No. 55 at 2) should be included in a later-filed motion for summary judgment or opposition thereto. A copy of that report will be returned to plaintiff.

Plaintiff is cautioned that further errant filings in this case may result in sanctions.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is directed to send plaintiff, together with a copy of this order, the following: (1) a copy of this court's Discovery and Scheduling Order filed March 14, 2016, ECF No. 53, and (2) a copy of plaintiff's x-ray report filed April 20, 2016, ECF No. 55 at 2.

DATED: April 22, 2016

UNITED STATES MAGISTRATE JUDGE

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¹ Plaintiff's discovery requests may include the following: (1) requests for admission (yes-or-no statements of fact) directed to each defendant, see Fed. R. Civ. P. 36; (2) up to twenty-five interrogatories (questions) directed to each defendant, see Fed. R. Civ. P. 33; and (3) requests for copies of documents, electronically stored information, or other tangible evidence directed to each defendant, see Fed. R. Civ. P. 34.