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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE JUAREZ,
Plaintiff,
v.
M. HLAING, et al.,
Defendants.

No. 2:15-cv-1996 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment.

In orders filed October 26, 2018 and December 28, 2018, the court found plaintiff stated cognizable claims against some defendants. The U.S. Marshal was ordered to serve the complaint on defendants Atienza, Bhatia, and Hlaing. Defendant Atienza has now appeared in this action. (See ECF No. 98.) However, defendants Bhatia and Hlaing have not yet appeared.


In a document filed here on February 19, 2019, plaintiff moves to compel defendants to provide discovery. (ECF No. 101.) Plaintiff is advised that discovery is premature because defendants have not answered the complaint and the court has not issued a discovery and scheduling order. See Passer v. Steevers, No. 2:08-cv-2792 KJN P, 2010 WL 3769097, at *1

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1 (E.D. Cal. Sept. 22, 2010); Williams v. Ramirez, No. CIV S-06-2151 WBS DAD P, 2008 WL
2 2875361, at *1 (E.D. Cal. July 23, 2008).

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel (ECF No. 101)
4 is denied without prejudice to its renewal when, and if, discovery commences in this case.

5 Dated: February 26, 2019

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE

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12 DLB:9
13 DLB1/prisoner-civil rights/juar1996.disco premature
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