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

ETUATE SEKONA,

No. 2:16-CV-0517-CMK-P

Plaintiff,

vs.

ORDER

F. CUSTINO, et al.,

Defendants.

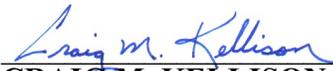
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Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion (Doc. 12) for an order directing defendants to reply pursuant to Federal Rule of Civil Procedure 37(a)(4). That rule, however, relates to motions compelling responses to discovery. Because no answer to the complaint has yet been filed, the case is not at issue and discovery has not been opened. Plaintiff’s motion is premature.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for an order
2 pursuant to Federal Rule of Civil Procedure 37(a)(4) is denied.

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4 DATED: February 3, 2017

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE

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