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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN CLINT DRAPER,
Plaintiff,
v.
A. GARCIA,
Defendant.

No. 2:16-cv-1917 GEB CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se. On January 18, 2017, plaintiff filed what appears to be a motion to compel defendant to provide plaintiff with a copy of some of plaintiff’s medical records, some of his prison records, and defendant’s “disciplinary file.”

As for plaintiff’s medical and other prison records, plaintiff fails to point to facts suggesting defendant has access to such records and that plaintiff cannot obtain those documents on his own from his prison. If plaintiff has been denied access to those documents by his prison, he should request that the court issue a subpoena for such records, but only to the extent they are relevant to this case. As for defendant’s “disciplinary file,” plaintiff does not provide a copy of a discovery request in which he sought defendant’s disciplinary file and defendant’s response.

For these reasons, plaintiff’s motion will be denied. The court notes that discovery is currently stayed pending resolution of defendant’s motion for summary judgment. If the court

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1 imposes a new deadline for motions to compel, plaintiff will have the opportunity to correct the
2 defects in his motion to compel with respect to defendant's "disciplinary file" and resubmit it.

3 Also, defendant has filed a motion asking that the court strike two sur-replies filed by
4 plaintiff concerning defendant's motion for summary judgment. Since the court does not
5 generally permit sur replies, Local Rule 230(1), and since plaintiff did not obtain leave to file a
6 sur-reply, defendant's motion to strike will be granted.

7 Accordingly. IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's January 18, 2017 motion to compel is denied; and
9 2. Defendant's April 4, 2017 motion to strike sur replies is granted. The sur replies filed
10 by plaintiff on March 20, 2017 and March 31, 2017 are stricken.

11 Dated: April 10, 2017



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13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE

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