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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD ROY WELCH,
Plaintiff,
v.
BUTTE COUNTY JAIL, et al.,
Defendants.

No. 2:17-cv-0517 MCE KJN P

ORDER


Plaintiff has filed a document entitled “Motion to Produce Discovery.” (ECF No. 26.) Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor that party’s responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with the court unless, and until, they are at issue. The court cannot conduct discovery on behalf of any party.

Moreover, it appears that plaintiff seeks to discover the identity of various John Doe defendants. However, discovery requests may only be propounded to parties to the lawsuit. At present, plaintiff has not returned the service of process documents for defendant Stratton, so defendant Stratton has not yet been served with process or appeared in this action. Plaintiff may not obtain discovery from defendant Stratton until defendant Stratton has filed an answer and the

1 court has issued its discovery and scheduling order. It appears that plaintiff intends to amend his
2 complaint to raise allegations against John Doe defendants. However, plaintiff may choose to
3 return the documents for service of process on defendant Stratton, then seek to discover the
4 identifies of the John Doe defendants through discovery propounded to defendant Stratton. Once
5 plaintiff has identified the John Doe defendants, plaintiff may then move to amend his complaint
6 to include allegations against the doe defendants. The U.S. Marshal cannot serve John Doe
7 defendants; plaintiff must provide the true name of the individual for the U.S. Marshal to serve
8 process. (See also ECF No. 9 at 3 n.1.)

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's August 28, 2017 motion (ECF
10 No. 26) is placed in the court file and disregarded. Plaintiff is cautioned that further filing of
11 discovery requests or responses, except as required by rule of court, may result in an order of
12 sanctions, including, but not limited to, a recommendation that this action be dismissed.

13 Dated: September 1, 2017

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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