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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN ESPINO,

Plaintiff,

v.

ERIC ARNOLD,

Defendant.

No. 2:17-cv-2198 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2019, plaintiff filed a motion to compel. ECF No. 18. The motion seeks a court order for the warden at California State Prison – Solano to produce records related to plaintiff’s June 6, 2016 transport to and from U.C. San Francisco’s retinal facility. See id. at 1. Plaintiff states that these records are needed so that he can provide the court with the names of the John Doe defendants. See id. at 1.

The motion is premature. A First Amended Complaint (FAC) has recently been filed in this case after lengthy and repeated extensions of time. ECF No. 17. The FAC has not been screened, and accordingly has not been served on any defendants. If and when the FAC is screened and found suitable for service, and after named defendants appear and respond, a

1 Discovery and Scheduling Order will issue. That order will provide information about the
2 discovery process. When the discovery period begins, plaintiff may use the tools provided by the
3 Federal Rules of Civil Procedure to request documents and information. If the responses he
4 receives are inadequate, he may then bring a motion to compel. Until the discovery period opens,
5 any motions related to discovery are premature.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel, filed
7 December 9, 2019 (ECF No. 18), is DENIED.

8 DATED: January 2, 2020

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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