

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMIE STEPHEN,
Plaintiff,
v.
E. MONTEJO, et al.,
Defendants.

No. 2:18-cv-1796 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. Plaintiff alleges deliberate indifference to his serious medical needs in violation of the Eighth Amendment. In an order filed September 20, 2018, this court found plaintiff failed to state any claims cognizable under § 1983 and gave plaintiff leave to file an amended complaint on his Eighth Amendment claims. (ECF No. 6.) On October 5, 2018, plaintiff filed a first amended complaint. (ECF No. 10.) The court has not yet screened this amended complaint.


On December 10, 2018, plaintiff filed a request that the court issue a subpoena for the production of documents. (ECF No. 11.) Plaintiff is advised that issuance of a subpoena constitutes discovery and discovery will not commence until three things happen. First, the court must find that plaintiff has stated a cognizable claim for relief and order service of the complaint

///

1 on defendants. Second, defendants must file an answer. Third, after an answer is filed, the court
2 will issue an order permitting discovery to commence.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for issuance of a
4 subpoena (ECF No. 11) is denied as premature.

5 Dated: December 20, 2018

6
7 
8 DEBORAH BARNES
9 UNITED STATES MAGISTRATE JUDGE
10
11
12

13 DLB:9
14 DB/prisoner-civil rights/step1796.subp
15
16
17
18
19
20
21
22
23
24
25
26
27
28