Case 2:19-cv-01751-JAM-KJN Document 74 Filed 08/04/21 Page 1 of 2 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TEVIN LEE HARRIS, No. 2: 19-cv-1751 JAM KJN P 12 Plaintiff, 13 **ORDER** v. 14 R. VALENCIA, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant 18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion to compel. (ECF No. 69.) In 19 this motion, plaintiff requests that defendant provide him with his medical and mental health 20 records, C-File records and Unit Health Records. (Id.) For the reasons stated herein, plaintiff's motion to compel is denied. 21 22 Plaintiff previously filed a motion to compel on April 13, 2020, requesting that prison 23 officials at California State Prison-Corcoran ("Corcoran") or California State Prison-Sacramento ("CSP-Sac") provide him with his medical and mental health records. (ECF No. 32.) On June 9, 24 25 2020, the undersigned ordered the Warden of Corcoran to respond to plaintiff's April 13, 2020 26 motion to compel. (ECF No. 34.) On June 23, 2020, the Warden of Corcoran filed a response to 27 plaintiff's motion to compel. (ECF No. 36.) //// 28

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## Case 2:19-cv-01751-JAM-KJN Document 74 Filed 08/04/21 Page 2 of 2

1 On July 1, 2020, the undersigned denied plaintiff's April 13, 2020 motion to compel. 2 (ECF No. 37.) The undersigned found that based on the Warden's response to plaintiff's motion 3 to compel, the litigation of plaintiff's claim that he was denied access to his medical and mental 4 health records was better left until after the settlement conference. (Id.) 5 On June 3, 2021, a settlement conference was held in this action. This action did not 6 settle. On June 21, 2021, plaintiff filed the pending motion to compel. (ECF No. 69.) 7 On July 12, 2021, defendant filed an opposition to plaintiff's pending motion compel. 8 (ECF No. 72.) Defendant argues that plaintiff's motion to compel should be denied because it 9 was filed before the court issued the Discovery and Scheduling Order. Defendant also argues 10 that plaintiff fails to demonstrate that he served defendant with a request for production of the 11 documents he seeks in the motion to compel. 12 As discussed above, plaintiff previously requested most of the at-issue documents from 13 prison officials at Corcoran. However, in the pending motion, plaintiff requests that defendant be 14 ordered to provide him with the at-issue documents. Plaintiff apparently did not serve defendant 15 with a request for production of documents before filing the motion to compel. 16 Plaintiff may file a motion to compel only if he is dissatisfied with defendant's response to 17 his discovery request. Accordingly, plaintiff's motion to compel is denied as premature because 18 he did not serve defendant with a request for production of documents. 19 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to compel (ECF No. 69) 20 is denied. 21 Dated: August 4, 2021 22 23 UNITED STATES MAGISTRATE JUDGE 24 harr1751.com(3) 25 26 27

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The Discovery and Scheduling order was filed on July 6, 2021. (ECF No. 71.)