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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRISTIAN M. GERMANI, et al.,
Plaintiffs,
v.
SAFEWAY GROCERY, et al.,
Defendants.

Case No. [17-cv-00742-JCS](#)

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PAY FILING FEE**

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO COMPEL**

Re: Dkt. Nos. 2, 3

Plaintiffs Kristian Germani and Donald Collier, pro se, seek leave to proceed in forma pauperis. Plaintiffs have submitted a single application signed by Germani. *See* dkt. 3. If Plaintiffs wish to pursue this action without paying the filing fee, each plaintiff must submit a separate application demonstrating his or her inability to pay. Plaintiffs are therefore ORDERED TO SHOW CAUSE **no later than March 8, 2017** why the case should not be dismissed for failure to pay the filing fee, by either (1) filing a separate application signed by Collier and addressing his financial circumstances, or (2) paying the filing fee. If Collier files an application demonstrating his inability to pay the filing fee, the Court will then consider the sufficiency of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and whether service should be ordered pursuant to 28 U.S.C. § 1915(d).

Plaintiffs have also filed a motion to compel, seeking access to a video recording of the events in question. *See* dkt. 2. As the Honorable Elizabeth Laporte stated in another case in which Germani filed an early motion to compel:

In general, no discovery is permitted until the parties have engaged in the meet and confer process. *See* Fed. R. Civ. P. 26(d). Further, a motion to compel is normally only proper after a party fails to respond to discovery requests that have been served on it. *See* Fed. R. Civ. P. 37(a). Here, it appears that Defendants have not yet been

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served in this case, and discovery has not opened. Therefore, the motion to compel is denied without prejudice.

Germani v. State Farm Ins. Co., No. C-14-03378 EDL, ECF Doc. No. 7 (N.D. Cal. Aug. 19, 2014). For the same reasons discussed in that case, Plaintiffs' present motion to compel is also DENIED WITHOUT PREJUDICE.

Plaintiffs, who are not represented by counsel, are encouraged to consult with the Federal Pro Bono Project's Legal Help Center in either of the Oakland or San Francisco federal courthouses for assistance. The San Francisco Legal Help Center office is located in Room 2796 on the 15th floor at 450 Golden Gate Avenue, San Francisco, CA 94102. The Oakland office is located in Room 470-S on the 4th floor at 1301 Clay Street, Oakland, CA 94612. Appointments can be made by calling (415) 782-8982 or signing up in the appointment book located outside either office. Lawyers at the Legal Help Center can provide basic assistance to parties representing themselves but cannot provide legal representation.

IT IS SO ORDERED.

Dated: February 22, 2017



JOSEPH C. SPERO
Chief Magistrate Judge