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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID WILKES,	)	No. C 12-0090 LHK (PR)
	)	
Plaintiff,	)	ORDER DENYING MOTION
	)	TO COMPEL DISCOVERY
v.	)	
	)	
CHIEF MAGNUS, RICHMOND POLICE	)	
DEPARTMENT, et al.,	)	
	)	
Defendants.	)	(Docket No. 30)

Plaintiff, a California state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The Court partially dismissed Plaintiff’s complaint, and ordered it served upon named Defendants. The Court ordered that discovery proceed in accordance with the Federal Rules of Civil Procedure, and that no further Court order was required before parties may conduct discovery. (Doc. No. 12.) Plaintiff has filed a motion for discovery, which the Court construes as a motion to compel. (Doc. No. 30.) Defendants oppose the motion. (Doc. No. 40.)

Plaintiff may file a motion to compel discovery only after he satisfies the “meet and confer” requirements of the discovery rules. *See* Fed. R. Civ. P. 37(a)(2)(A) (providing motion to compel must include certification that movant has in good faith conferred or attempted to confer with non-disclosing party in effort to secure disclosure without court action). Because Plaintiff is detained, however, he is not required to meet and confer with Defendants in person. Rather, if his discovery requests are denied, and he intends to seek a motion to compel, he must

1 send a letter to Defendants to that effect, offering them one last opportunity to provide him with  
2 the sought-after information. Unless and until Plaintiff files the requisite certification  
3 demonstrating that he has conferred with Defendants, making known his intention to file a  
4 motion to compel, the Court will not interfere with discovery matters. Defendants are  
5 encouraged to respond to Plaintiff's discovery requests, if appropriate, in a thorough and timely  
6 manner. At this time, the motion to compel will be **DENIED** without prejudice as premature.

7 This order terminates docket number 30.

8 IT IS SO ORDERED.

9 DATED: 1/13/13

  
LUCY H. KOH  
United States District Judge