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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COVARSIA DILL,

Plaintiff,

v.

J. IVES, et al.,

Defendants.

Civil No. 10cv1494-W (CAB)
**ORDER DENYING WITHOUT
PREJUDICE MOTION TO COMPEL
DISCOVERY
[Doc. No. 26]**

On May 18, 2011, plaintiff filed a motion for order compelling discovery. [Doc. No. 26.]
In the motion, plaintiff seeks an order compelling the production of certain records and
information. However, there is no evidence that a) plaintiff has propounded a written discovery
request on defendants and b) defendants either failed to respond to the discovery request or
provided an insufficient response. See Fed. R. Civ. P. 37(a)(3)(B), (4); James v. Wash. Depot
Holdings, Inc., 240 FRD 693, 694-695 (S.D. Fla. 2006). Given that there is no underlying
discovery request upon which this court can rule, the motion is **DENIED WITHOUT
PREJUDICE.**

DATED: May 18, 2011



CATHY ANN BENCIVENGO
United States Magistrate Judge