

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BRANDON L. SPICER-BANKS,
Plaintiff,

vs.

Case No. 3:09cv425/WS/EMT

D. ELLIS, et al.,
Defendants.

ORDER

This matter is before the court on Plaintiff's Motion for Discovery (Doc. 39). Plaintiff seeks an order directing staff at Santa Rosa Correctional Institution to provide all files and documents concerning his "heightened security status" (*id.*).

Plaintiff is advised that at this stage of the case, discovery is premature. This court has a statutory duty to review, as soon as practicable, his complaint to identify cognizable claims or dismiss the complaint. 28 U.S.C. § 1915(e)(2)(B). In the instant case, the court has not yet had an opportunity to review Plaintiff's amended complaint (Doc. 20); therefore, discovery is not appropriate at this time. After completing its screening function, if the court determines that Plaintiff has raised cognizable claims, it will direct service of the complaint upon Defendants. Shortly thereafter, the court will issue a scheduling order, at which time the parties may conduct discovery.

Accordingly, it is **ORDERED**:

Plaintiff's Motion for Discovery (Doc. 39) is **DENIED without prejudice**.

DONE AND ORDERED this 26th day of January 2010.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE