

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

JAMES M. MARTIN, :
: Plaintiff, : CIVIL ACTION NO. 1:06-CV-63 (WLS)
: :
: VS. : PROCEEDINGS UNDER 42 U.S.C. § 1983
: : BEFORE THE U.S. MAGISTRATE JUDGE
: :
KEVIN ROBERTS, :
: Defendant : **ORDER**

Plaintiff **JAMES M. MARTIN** has filed a forty-six (46) page document that he has entitled “Plaintiff’s (Third) Motion to Compel Discovery.” In this motion, plaintiff seems to make three requests. First, he requests that the Court issue an order directing Calhoun State Prison to produce copies of grievances that he filed and appealed during the years 2002 through 2004. Second, plaintiff also seems to request that the Court order Calhoun State Prison to produce grievances concerning second-hand smoke filed by all other inmates. Finally, plaintiff requests “this Court to accept” numerous exhibits.

This motion is premature. The discovery procedure that plaintiff is to follow in this litigation is set forth in detail in the Order entered on this same date requiring service on Kevin Roberts. Specifically, plaintiff may not commence discovery until an answer or dispositive motion has been filed on behalf of the defendant. Moreover, the “exhibits” that plaintiff has submitted with this motion will remain in the record in this case. (R. at 9). However, the Court makes no ruling regarding the authenticity or relevance of these documents at this time.

In light to the above, “Plaintiff’s (Third) Motion to Compel Discovery” is **DENIED**.

SO ORDERED, this 26th day of April, 2006

/s/ Richard L. Hodge

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

