

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIC AICHER,

Plaintiff,

v.

No. 18-cv-0474 RB/SMV

**NEW MEXICO DEP'T OF CORRS.,
THE GEO GROUP, INC., and
CORIZON HEALTH CARE**

Defendants.

**ORDER DENYING PLAINTIFF'S MOTIONS FOR DISCOVERY AND
GRANTING DEFENDANT GEO GROUP'S MOTION FOR PROTECTIVE ORDER**

THIS MATTER is before the Court on Plaintiff's motions for discovery and Defendant GEO Group's motion for protective order. [Docs. 24, 25, 26]. No further briefing is needed. No party will be required to engage in discovery absent further order of the Court.

Plaintiff, an incarcerated person proceeding pro se, filed his civil rights complaint in state court on April 18, 2018. [Doc. 1-1] at 1–30. The case was removed by Defendant Corizon on May 22, 2018. [Doc. 1]. The complaint is subject to screening. *See* 28 U.S.C. § 1915A (requiring review as soon as practicable to identify any cognizable claim and to dismiss any portion of the complaint that is frivolous, malicious, fails to state a claim, and/or seeks monetary relief from a defendant who is immune). Moreover, the local rules of this district exempt this case from discovery (except by agreement of the parties or order of the Court). *See* D.N.M.LR-Civ. 16.3.

If any claim remains after the initial screening, the Court will determine *at that time* whether to allow Plaintiff “to engage in the formal discovery process *or* to rely on the production

of a *Martinez* report in order to help develop [his] claims.” *Wishneski v. Andrade*, 2012 WL 12903280, at *2 (D.N.M. Sept. 12, 2012) (emphasis added); *see also Foti v. Bernalillo Cty.*, 2015 WL 712915, at *2 (D.N.M. Feb. 6, 2015) (unpublished) (denying prisoner’s motion for the production of discovery and noting that “the Court will order discovery as appropriate”). If the parties wish to voluntarily engage in discovery, they are free to do so. However, until further order of the Court, no discovery may be compelled.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Proceed with Discovery [Doc. 24] be **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Scheduling Conference [Doc. 25] be **DENIED**.

IT IS FURTHER ORDERED that Defendant GEO Group’s Motion for Protective Order [Doc. 26] be **GRANTED**. Defendant GEO Group is not required to disclose the information and materials requested in Plaintiff’s First Request for Production [Doc. 19], unless otherwise ordered by the Court.

IT IS FURTHER ORDERED no discovery in this case be compelled absent further order of the Court. No party is required to participate in discovery unless and until the Court so orders.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge