

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH MCGOWAN,
Plaintiff,

ORDER
12-CV-6557

v.

JOHN A SCHUCK, et al.,
Defendants.

Currently pending before the Court is plaintiff's motion to compel discovery (Docket # 46). The Court having held a conference on April 14, 2017 with all parties appearing by telephone, it is so

ORDERED that defense counsel Gary Levine, Esq. shall bring a copy of the Inspector General's report at issue in this case to plaintiff at Cape Vincent Correctional Facility for review on April 21, 2017. Plaintiff will review the entire report and identify the specific pages he requests to maintain in his possession. No later than **May 5, 2017**, defense counsel will provide to plaintiff copies of the requested pages and/or objections explaining which pages defendants object to being maintained in plaintiff's possession. It is further

ORDERED that plaintiff's pending motion to compel (Docket # 46) is premature as he has not properly served discovery demands on defendants, as required by Federal Rule of Civil Procedure 37(a)(1). See Fed. R. Civ. P. 37(a)(1). The motion is

therefore **denied**. Plaintiff indicated his intention to serve defense counsel in person with discovery demands on April 21, 2017.

SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: April 18, 2017
Rochester, New York