

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Michael Gordon,	)	
	)	
Plaintiff,	)	<b>ORDER DENYING MOTION FOR DISCOVERY</b>
	)	
vs.	)	
	)	
Leann K. Bertsch, et. al.,	)	
	)	Case No. 1:15-cv-026
Defendants.	)	

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On March 25, 2015, plaintiff submitted, amongst other things, a proposed amended complaint. On March 26, 2016, he filed a “Motion for Discovery.”

The court must screen plaintiff’s amended complaint.<sup>1</sup> Assuming that the court ultimately orders that the amended complaint be served, defendants must be afforded time to file a responsive pleading. Once defendants have filed a responsive pleading, the parties will likely be directed to submit proposed scheduling and discovery plans. Until this occurs, the court will not permit discovery. Fed. R. Civ. P. 26(d) (“A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.”)

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<sup>1</sup>Congress enacted the Prison Litigation Reform Act of 1995 (“PLRA”) to address the burdens imposed by prisoner suits that too often are frivolous and without merit. Jones v. Bock, 549 U.S. 199, 202-03 (2007); Woodford v. Ngo, 548 U.S.81, 84 (2006). One of the reforms enacted as part of the PLRA for cases in which prisoners are seeking to sue a governmental entity, officer, or employee is the requirement that courts conduct an early screening to weed out claims that clearly lack merit. 28 U.S.C. § 1915A. In conducting the screening, the court is required to identify any cognizable claims and to dismiss the complaint, or any part of it, that is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Id.

Plaintiff's "Motion for Discovery" (Docket No. 7) is premature and is therefore **DENIED** without prejudice.

Dated this 31st day of March, 2015.

*/s/ Charles S. Miller, Jr.* \_\_\_\_\_  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court