

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KEITH A. GARRETT,

Plaintiff,

v.

RICHARD C. PAULSON,

Defendant.

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CIVIL ACTION NO.

SA-10-CV-0517 FB (NN)

ORDER DENYING MOTION TO COMPEL (DOCKET ENTRY 10)

The matter before the Court is plaintiff's motion to compel production of documents (docket entry 10). The motion was filed prior to the time defendant Paulson was served with a copy of the complaint. The Federal Rules of Civil Procedure provide a mechanism for the parties to exchange information relevant to their dispute without court involvement. Only when a party refuses to produce relevant information is a motion to compel properly presented to the Court for resolution. See Federal Rules of Civil Procedure 26 to 37.

Accordingly, the motion to compel is DENIED as prematurely filed. If, after plaintiff requests defendant produce the listed documents and other matters, defendant refuses or objects to the request, plaintiff can then file a motion to compel.

SIGNED on September 27, 2010.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE