UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES E. CURTIS,

Plaintiff,

v.

LEATHERS (FNU), WASHINGTON DEPARTMENT OF CORRECTIONS,

Defendants.

Case No. C17-474 RAJ-BAT

ORDER DECLINING SERVICE AND GRANTING LEAVE TO AMEND

Plaintiff James E. Curtis seeks leave to conduct pre-service discovery to obtain the full name and address of Defendant "Leathers (FNU)". Dkt. 12. For the following reasons, the motion is denied.

DISCUSSION

Mr. Curtis filed this action on March 23, 2017, under the First Amendment and the Washington State Public Records Act. He alleges that Defendant Leathers improperly rejected a piece of incoming prison mail. Dkt. 7. The Court ordered that the complaint and waiver of service forms be emailed to the Department of Corrections ("DOC"). Dkt. 8. Under the "Prisoner E-Filing Initiative: Consent to Receive Electronic Notice and Authorizing Delivery of Service Documents Via E-Mail" agreement between the Attorney General's Office and the Court, defense counsel notified the Court that "Leathers (FNU)" is not a current Washington state employee. Dkt. 9. Mr. Curtis seeks pre-service discovery to obtain the full name and

address of Defendant "Leathers (FNU)." Dkt. 12.

Because Defendant Leathers has not been served, she is not subject to discovery and the Court has no jurisdiction over her. Rather, Mr. Curtis should address his discovery requests to the DOC in the normal course of this litigation. According to counsel, however, the DOC believes that this defendant has moved out of state and may have changed her name. Therefore, the current address for Ms. Leathers in DOC's possession is likely not current, but the DOC is willing to provide the address to the Court under seal. Dkt. 14.

The Court finds that the solution proposed by the DOC is reasonable. If service of Defendant Leathers at the last known address provided by the DOC is not successful, Mr. Curtis may seek further discovery from the DOC in the normal course of litigation.

Accordingly, it is **ORDERED:**

(1) Plaintiff's motion for pre-trial discovery (Dkt. 12) is **DENIED.**

(2) Defendant DOC shall provide Defendant Leathers (FNU)'s last known address to the Court **under seal** within ten (10) days of this Order.

DATED this 6th day of July, 2017.

BRIAN A. TSUCHIDA
United States Magistrate Judge