

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MARCELLUS H. BAKER, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-2168-KHV
)	
VIA CHRISTI REGIONAL MEDICAL)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

This case comes before the court on the motion of *pro se* plaintiff, Marcellus H. Baker, Sr., for an order compelling defendant, Via Christi Regional Medical Center (“defendant Via Christi”), to provide various information and documents (**doc. 15**). Defendant has filed a response. For the reasons set forth below, plaintiff’s motion is denied.

Fed. R. Civ. P. 26(d) provides that parties may not conduct discovery prior to their discovery conference meeting under Fed. R. Civ. P. 26(f), unless permitted by court order or stipulation. The information and documents sought by plaintiff are clearly that which would be sought through discovery, i.e., interrogatories¹ and requests for production of documents.² The court has received a copy of a letter dated June 22, 2006, from defendant’s counsel to plaintiff confirming an agreement between the parties that the Rule 26(f) planning

¹ Fed. R. Civ. P. 33.

² Fed. R. Civ. P. 34.

meeting will be postponed until after the court rules plaintiff's motion to reconsider appointment of counsel (doc. 17). The court anticipates ruling on plaintiff's motion in the near future. Thus, the court finds that plaintiff's discovery requests are premature but may be reserved, in accordance with Fed. R. Civ. P. 33 and 34, after the court has ruled and the parties have had their Rule 26(f) planning meeting.

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. The above-referenced motion (**doc. 15**) is denied.
2. Copies of this order shall be served on *pro se* plaintiff and all counsel of record.

Dated this 26th day of June, 2006 at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge