

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IMMUDYNE, INC.,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-05-0662
	§	
NINO SORGENTE.,	§	
<i>Defendant.</i>	§	

ORDER

Plaintiff Immudyne, Inc.’s motion to deem admitted its pre-removal requests for admission (Dkt. 17) is denied. State rules of civil procedure, including time limits for discovery responses, are inoperable after the case has been removed to federal court. FED. R. CIV. P. 81(c). Once in federal court, Rule 26(d) provides that “a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)”, except in certain limited circumstances not applicable here. Because pre-removal discovery requests are not exempt from Rule 26(d)’s discovery bar, defendant Sorgente had no post-removal obligation to respond. *See Riley v. Walgreen Co.*, 2005 WL 1635443, at *1-*2 (S.D. Tex. 2005).

Signed on July 20, 2005, at Houston, Texas.


Stephen Wm Smith
United States Magistrate Judge