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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Anthony L. Rodrigues,

10 Plaintiff,

11 v.

12 Charles L. Ryan, et al.,

13 Defendants.
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No. CV-14-08141-PCT-DGC (ESW)

ORDER

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16 Plaintiff Anthony L. Rodrigues is a pro se prisoner currently confined in the
17 Arizona State Prison Complex-Corrections Corporation of America's ("CCA") Red Rock
18 Correctional Center ("RRCC") in Eloy, Arizona. On April 20, 2015, Plaintiff filed a
19 Second Amended Complaint alleging a violation of his civil rights pursuant to 42 U.S.C.
20 § 1983. (Doc. 15). Plaintiff's Second Amended Complaint involves his incarceration at
21 Arizona State Prison Complex-Kingman. The Court ordered Defendants to answer Count
22 Two and dismissed all other claims. (Doc. 16 at 7). All Defendants have timely
23 answered or responded and all issues are joined. (Docs. 27, 29, 66). A fully briefed
24 Motion to Dismiss is pending. (Docs. 29, 66, 88, 90).

25 Plaintiff also filed a Motion for Preliminary Injunction and Emergency Temporary
26 Restraining Order (Docs. 21, 22) to which Defendants filed their Opposition to Plaintiff's
27 Request for Preliminary Injunction and Temporary Restraining Order (Doc. 26) and
28 Supplemental Response (Doc. 85). Plaintiff filed his Reply on February 25, 2016. (Doc.

1 95). Plaintiff's Request for Preliminary Injunction and Temporary Restraining Order
2 involves his incarceration at RRCC.

3 Several motions are deemed ripe for consideration and are discussed below.

4 I. DISCUSSION

5 A. Defendants Ryan and Diaz' Motion to Seal Plaintiff's Medical Records 6 (Doc. 84)

7 In Defendants' Supplemental Response to Plaintiff's Motion for Preliminary
8 Injunction and Emergency Temporary Restraining Order (Doc. 85), Defendants attach
9 Plaintiff's medical records. Defendants request that the Court seal the Plaintiff's medical
10 records because they contain confidential, personal information. Defendants cite the
11 Court to numerous cases which support the request. Plaintiff has not responded. For
12 good cause shown, the Court will grant the Motion to Seal.

13 B. Defendants' Motion to Strike Plaintiff's Notice Motion in Support of 14 Preliminary Injunction and Request for TRO [Dkt. 82](Doc. 87)

15 Defendants move to strike Plaintiff's "Notice Motion In Support of Preliminary
16 Injunction And Request for TRO" (Doc. 82) pursuant to LRCiv 7.2(m) on the basis that
17 Plaintiff's Notice is not authorized by statute, rule, or court order. Plaintiff has failed to
18 respond to Defendants' Motion to Strike. The Court may deem Plaintiff's failure to file
19 an answering memorandum as consent to the granting of Defendants' Motion and dispose
20 of the Motion summarily. *See* LRCiv 7.2 (i). In addition, to the extent Plaintiff's Notice
21 is an attempt to supplement his Motion for Preliminary Injunction and Emergency
22 Temporary Restraining Order (Doc. 21), such an attempt must be made through a
23 properly filed motion. To the extent Plaintiff's Notice is an attempt to raise rebuttal
24 arguments to Defendants' responsive briefing, the proper manner to raise such arguments
25 is through a reply. Therefore, for good cause shown, the Court will grant Defendants'
26 Motion to Strike (Doc. 87).

27 C. Plaintiff's Motion for Extension of Deadline for Naming Expert Witnesses 28 (Doc. 81) and Defendants' Request for Extension of Deadline For Making Expert Disclosures (First Request) (Doc. 94)

Pending before the Court are Defendants' fully briefed Motions to Dismiss (Docs.

1 29, 66) and Plaintiff's fully briefed Motion for Preliminary Injunction and Emergency
2 TRO (Doc. 21). On October 23, 2015, the Court issued a scheduling order regarding
3 discovery in the case (Doc. 35). In the interests of judicial and litigant economy, the
4 parties request that extensions of time be granted to comply with the disclosure of expert
5 witnesses. For good cause shown, the Court will grant the parties' requests.

6 **II. CONCLUSION**

7 For the reasons set forth herein,

8 **IT IS ORDERED** granting Defendants Ryan and Diaz' Motion to Seal (Doc. 84).

9 **IT IS FURTHER ORDERED** directing the Clerk of Court to file under seal the
10 proposed "Exhibit 2 Attachments A-E" to Defendants Ryan and Diaz' Supplemental
11 Response (Doc. 85). The proposed "Exhibit 2 Attachments A-E" is lodged under seal at
12 Doc. 86.

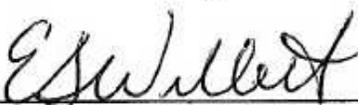
13 **IT IS FURTHER ORDERED** granting Defendants' Motion to Strike (Doc. 87).

14 **IT IS FURTHER ORDERED** striking Plaintiff's "Notice Motion In Support Of
15 Preliminary Injunction And Request For TRO" (Doc. 82).

16 **IT IS FURTHER ORDERED** granting Plaintiff's Motion for Extension of
17 Deadline for Naming Expert Witnesses (Doc.81) and Defendants' Request for Extension
18 of Deadline For Making Expert Disclosures (First Request) (Doc. 94).

19 **IT IS FURTHER ORDERED** that Plaintiff file his expert disclosure 60 days
20 from the date of the Court's ruling on the pending Motion to Dismiss, should any claim
21 survive. Defendants shall file their expert disclosures 90 days from the filing of the
22 Court's ruling, should any claim survive.

23 Dated this 11th day of March, 2016.

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27 Eileen S. Willett
28 United States Magistrate Judge