

1 to Plaintiff's motions, the Court issued subpoenas *duces tecum* which were served on both
2 parties. (Docs. 86, 102). University Medical Center responded, (Doc. 113), but the California
3 Department of Corrections ("CDCR") moved to quash Plaintiff's subpoena, claiming the
4 information in the reports was confidential and exempt from disclosure under the common
5 law privilege of official information, (Doc. 115). The Court denied CDCR's Motion to
6 Quash, but granted an *in camera* review of the CIS Report. (Doc. 128). Concurrently, the
7 Court extended Plaintiff's response deadline again, giving Plaintiff with 60 days to file his
8 response after the Court's determination on the *in camera* review. (Id.).

9 The Court has completed its review of the subpoenaed documents CIS Report and
10 attendant documents and finds that they contain no evidence relevant to Plaintiff's claims for
11 deliberate indifference claims against the moving Defendants. To succeed on a claim of
12 deliberate indifference to medical needs, Plaintiff must show: (1) "'serious medical need' by
13 demonstrating that 'failure to treat a prisoner's condition could result in further significant
14 injury or the 'unnecessary and wanton infliction of pain,'" and (2) that Defendants' response
15 "was deliberately indifferent to the potential harm" – that Defendants had a culpable state of
16 mind and their actions caused Plaintiff harm. Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir.
17 2006) (quoting McGuckin v. Smith, 974 F.2d 1050, 1059-60 (9th Cir. 1991)); Farmer v.
18 Brennan, 511 U.S. 825, 837 (1994); Estelle v. Gamble, 429 U.S. 97, 106 (1976).

19 The CIS Report contains evidence that may be relevant to Plaintiff's claims against
20 Defendant Carter, and at least one account of actions taken by some Defendants before the
21 assault. But there is no evidence within the CIS report that would assist Plaintiff in showing:
22 (1) Defendants' failed to provide Plaintiff medical attention in a timely manner, (2) the
23 failure resulted in further injury or "unnecessary and wanton infliction of pain," or (3)
24 Defendants acted deliberately. Thus, the Court will not order the disclosure of any portion
25 of the CIS Report at this time.

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Accordingly,

IT IS HEREBY ORDERED Plaintiff must respond to Defendant's Motion for Summary Judgment, (Doc. 90), by Friday, September 16, 2011. The Court will grant no further extensions to this deadline.

IT IS FURTHER ORDERED discovery is closed with regard to Plaintiff's deliberate indifference claims against Defendants Brandon, Canedo, Frescura, Gonzales, Keener, Koelher, Morales, Pascua, Price, and Maldonado.

IT IS FURTHER ORDERED GRANTING Plaintiff's Motion to Extend the Dispositive Motion Deadline to September 18, 2011. (Doc. 136).

IT IS FURTHER ORDERED GRANTING Plaintiff's request for a telephonic status conference, and setting a conference for Monday July 28, 2011, at 1:30 p.m. (Doc. 134). Defense counsel shall initiate a conference call and secure Plaintiff on the line before telephoning Judge McNamee's chambers at (602) 322-7555, no later than 1:25 p.m., on July 28, 2011.

IT IS FURTHER ORDERED DENYING Plaintiff's remaining requests and motions for miscellaneous relief. (Doc. 132, 134-36). The Court has conducted its *in camera* review, and will order disclosure of appropriate documents in a timely fashion.

DATED this 13th day of July, 2011.



Stephen M. McNamee
United States District Judge