

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARIS LYNN MCDOUGALD)	1:08cv238 AWI DLB
)	
)	
Plaintiff,)	ORDER DENYING DEFENDANTS’
)	REQUEST FOR IN CAMERA REVIEW
v.)	(Document 60)
)	
MODESTO POLICE DEPARTMENT)	ORDER CLARIFYING OCTOBER 23, 2009,
OFFICERS RAMAR AND CAMBPELL,)	ORDER REGARDING PLAINTIFF’S
)	MOTION TO COMPEL
)	(Document 57)
)	
Defendants.)	

Plaintiff Caris Lynn McDougald (“Plaintiff”), appearing pro se and proceeding in forma pauperis, filed the instant civil rights action on February 19, 2008.

On October 23, 2009, the Court issued an order granting Plaintiff’s motion to compel production of citizen complaints involving claims of excessive force and/or falsification of documents.

Defendants, on November 2, 2009, filed a request that the Court conduct an *in camera* review of the citizen complaints prior to production. In the alternative, Defendants request that the Court ‘modify’ its order based on what they perceive to be the Court’s misunderstanding of Plaintiff’s discovery request and/or motion.

The Court understood Plaintiff’s motion, and more specifically, understood that his request for production listed specific complaints, and that these specific complaints were provided by Defendants in response to an interrogatory asking for *all* citizen complaints. Likewise, the

1 Court understood that Plaintiff's original motion to compel was not limited to citizen complaints
2 involving only excessive force and falsification of documents.

3 Defendants cite the following portion of the order:

4 Defendants next object based on their belief that the request is overbroad because it does
5 not request relevant documents and is not reasonably limited in scope as to subject matter.
6 Defendants are incorrect. **Plaintiff has limited his request to citizen complaints
7 against Defendants involving excessive force and falsification of documents, both of
8 which are alleged in Plaintiff's complaint.** Insofar as Defendants object on relevancy
9 grounds, the specified citizen complaints are relevant because they may reveal the
10 defendant officers' credibility, motive and pattern of behavior. [Zachary v. Stockton Police
11 Dept., 2007 WL 1655634 \(E.D. Cal. 2007\)](#) (quoting [Soto](#), 162 F.R.D. at 615).

12 The emphasized sentence does not, as Defendants contend, evidence a misunderstanding
13 by the Court. Rather, as the Court often does in ruling on motions to compel, the sentence
14 acknowledges the moving party's agreement to limit the scope of the request and focuses the
15 argument. The sentence specifically refers to Plaintiff's indication in his reply that he "only seeks
16 complaints pertaining to excessive force, and falsifying documents. . ." In other words, the Court
17 references the concession to demonstrate that it moots much of Defendants' argument and frame
18 the remaining issues.

19 Moreover, the Court was clear that the ruling applied only to complaints regarding
20 excessive force and/or falsification of documents. In ruling on the motion, the Court stated:

21 Accordingly, for the above reasons, Plaintiff's motion to compel production of citizen
22 complaints involving **excessive force and/or falsification of documents** against Ramas
23 and Campbell is GRANTED. Defendants SHALL produce **any and all of the twelve
24 previously identified citizen complaints that fall within this category.**

25 As the Court has clarified the order pursuant to Defendants' request, their request for an
26 in camera review is DENIED. The time for producing the documents remains thirty (30) days
27 from the date of service of the October 23, 2009, order.

28 IT IS SO ORDERED.

Dated: November 4, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE