

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Willie D. Randle,  
Plaintiff,  
vs.  
L. V. Franklin et al.,  
Defendants.

No. CV-08-00845-JAT

**ORDER**

Plaintiff Willie D. Randle has renewed his request (Doc. # 96) for an order reopening discovery in order to obtain documents created by prison officials regarding the October 29, 2007 incident in response to Inmate Appeals Branch Order, dated May 5, 2008.

Plaintiff initially filed this motion (Doc. # 83) prior to the Final Pretrial Conference conducted on December 13, 2010. At the conference, the Court considered Plaintiff's motion, and directed Defendants to review Plaintiff's motion to determine if Plaintiff had requested the documents in a timely manner (*i.e.*, before the close of discovery on August 2, 2010). The Court ordered that if the documents should have been, and were capable of production, Defendants were to produce them. However, if Defendants determined that such request was not timely made, or production was not possible, then Defendants were to object to Plaintiff's request, and if the dispute remained unresolved, the parties were instructed to contact chambers to set up a conference call to resolve the discovery dispute. (*See Minutes,*

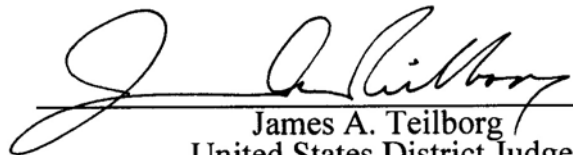
1 Doc. # 84 at p. 2.)

2 According to Plaintiff's renewed motion, Defendants' counsel has not responded to  
3 Plaintiff's written requests to resolve this discovery dispute. Based on this lack of  
4 communication, it is unclear whether Defendants consider the request untimely, whether the  
5 documents do not exist, or whether the documents were previously produced. Although not  
6 required to do so during the Final Pretrial Conference, the Court now orders Defendants to  
7 respond to Plaintiff's motion in a brief not to exceed three pages.

8 Accordingly,

9 **IT IS ORDERED** that Plaintiff's Motion to Compel Discovery for Limited Purpose  
10 (Doc. # 96) is GRANTED in part and DENIED in part. Defendants must file and serve their  
11 response on or before **Monday, March 7, 2011**.

12 DATED this 28th day of February, 2011.

13  
14  
15   
16 James A. Teilborg  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28