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

WHITTIER BUCHANAN,
Plaintiff,
vs.
A. SANTOS, et al.,
Defendants.

1:08-cv-01174-AWI-GSA-PC
ORDER FOR CLERK TO RETURN
DISCOVERY DOCUMENTS TO
DEFENDANT
(Doc. 55.)
ORDER CLOSING DISCOVERY

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Whittier Buchanan (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds on Plaintiff’s original Complaint, filed on August 11, 2008, against Correctional Officer A. Santos (“Defendant”), for use of excessive force in violation of the Eighth Amendment.¹ (Doc. 1.)

On October 12, 2010, Plaintiff filed a motion to compel production of documents from Defendant. (Doc. 47.) On May 26, 2011, the Court entered an order granting in part Plaintiff’s motion to compel, finding that Plaintiff was entitled to documents from Defendant’s personnel file concerning allegations of use of excessive force, falsification of information, or planting of evidence by Defendant. (Doc. 52.) The Court ordered Defendant to submit to the Court, under seal for *in camera* review, all documents found in Defendant’s California Department of Corrections and Rehabilitation (“CDCR”) personnel file concerning any allegations of use of excessive force, falsification of information, or

¹On June 8, 2009, the Court dismissed defendants Collins, Yates, Garrison, Duty, Reyes, and McBryde from this action, based on Plaintiff’s failure to state any claims against them. (Doc. 15.) On June 8, 2010, the Court dismissed defendant Mendoza from this action via defendants’ motion to dismiss, based on Plaintiff’s failure to exhaust administrative remedies. (Doc. 44.) Therefore, defendant Santos is the only defendant remaining in this action.

1 planting of evidence by Defendant, relating to incidents occurring before October 23, 2007, but not
2 further back than October 23, 2002, with certain confidential information redacted. Id. On June 28,
3 2011, the Court received a redacted copy of Defendant's entire CDCR personnel file, under seal, for *in*
4 *camera* review. (Doc. 55.)

5 The Court has thoroughly examined each document contained in Defendant's personnel file and
6 finds no documents concerning allegations of use of excessive force, falsification of information, or
7 planting of evidence by Defendant Santos. As a result, the Court concludes that Plaintiff is not entitled
8 to production of any of the documents submitted to the Court for *in camera* review. Accordingly, the
9 Court shall direct the Clerk to return the discovery documents to Defendant.

10 Based on the foregoing, IT IS HEREBY ORDERED that:

- 11 1. The Clerk is HEREBY DIRECTED to return the discovery documents, received by the
12 Court on June 28, 2011 for *in camera* review, to Defendant; and
- 13 2. Discovery is now closed in this action.

14
15 IT IS SO ORDERED.

16 **Dated: March 22, 2012**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE