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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CLAUDE RAYMOND SMITH,  
Plaintiff,

v.

C. RODRIGUEZ, et al.,  
Defendants.

CASE NO. 1:08-CV-01817-DLB PC  
ORDER GRANTING DEFENDANTS'  
MOTION FOR PROTECTIVE ORDER (DOC.  
34)

ORDER SETTING DEADLINE FOR  
EXCHANGE OF WITNESS AND  
DOCUMENT LISTS

Deadline: May 16, 2011

ORDER SETTING TELEPHONIC  
CONFERENCE DATE

June 2, 2011 at 9:30 a.m. in Courtroom 9  
before the Honorable Dennis L. Beck

Plaintiff Claude Raymond Smith ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant C. Boyer for failure to protect in violation of the Eighth Amendment. Pending before the Court is Defendant's motion for a protective order, filed February 28, 2011. Doc. 34. The Court will also set various deadlines by this order.

**I. Defendant's Motion For Protective Order**

Defendant moves for a protective order to limit the access Plaintiff has to Cedric Sample's prison central file information. Plaintiff alleges that Mr. Sample has a history of assault against inmates, and assaulted Plaintiff. Plaintiff alleges that Defendant Boyer failed to protect Plaintiff from Mr. Sample. Defendant concedes that Mr. Sample's central file is relevant,

1 but seek to protect Mr. Sample's privacy.

2 Pursuant to Federal Rule of Civil Procedure 26(c), the Court "may, for good cause, issue  
3 an order to protect a party or person from annoyance, embarrassment, oppression, or undue  
4 burden or expense, including . . . (B) specifying terms, including time and place, for the  
5 disclosure or discovery." Courts have broad discretion to decide the appropriateness of a  
6 protective order and what protection is required. *Phillips v. GMC*, 307 F.3d 1206, 1211 (9th Cir.  
7 2002) (citing *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984)).

8 Defendant proposes that the Court limit Plaintiff's access as follows. Plaintiff should  
9 only be allowed to view information relevant to Mr. Sample's history of violence towards other  
10 inmates within CDCR. Plaintiff should only be able to view this information under the  
11 supervision of custody staff. Plaintiff should not be able to photocopy or retain any documents  
12 from within Mr. Sample's central file.

13 The Court discussed this matter with the parties during a telephonic conference on March  
14 2, 2011, and Plaintiff did not voice any disagreement. Accordingly, Defendant's motion for  
15 protective order will be granted. The Court will add one further term to the protective order. If  
16 Plaintiff wishes to use a document from Mr. Sample's central file in support of any motions or  
17 filings with this Court, Defendant will be required to file such document with the Court under  
18 seal within ten (10) days after Plaintiff's filing is filed.

19 **II. Scheduling Deadlines**

20 Pursuant to the March 2, 2011 telephonic conference, the Court sets the following  
21 deadlines. The parties are to exchange lists of potential witnesses and documents in support of  
22 their claims or defenses by May 16, 2011. The Court will also set this matter for a telephonic  
23 conference on June 2, 2011 in Courtroom 9 before the undersigned. During the telephonic  
24 conference, the parties should be prepared to discuss, *inter alia*, any possible motions practice in  
25 this case.

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1 **III. Conclusion And Order**

2 Based on the foregoing, it is HEREBY ORDERED that:

- 3 1. Defendant's motion for protective order, filed February 28, 2011, is GRANTED  
4 as stated herein;
- 5 2. The parties are to exchange lists of potential witnesses and documents in this  
6 action by **May 16, 2011**;
- 7 3. This matter is set for telephonic conference on **June 2, 2011** at **9:30 a.m.** in  
8 Courtroom 9 before the Honorable Dennis L. Beck; and
- 9 4. Counsel for Defendant is required to arrange for the participation of Plaintiff in  
10 the telephonic conference and to initiate the telephonic conference at **(559) 499-**  
11 **5670**.

12 IT IS SO ORDERED.

13 Dated: March 2, 2011

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE