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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLAUDE RAYMOND SMITH,

Plaintiff,

v.

C. BOYER,

Defendant.

CASE NO. 1:08-cv-01817-DLB PC

ORDER DENYING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT

(DOC. 56)

Plaintiff Claude Raymond Smith (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). 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 deliberate indifference in violation of the Eighth Amendment. Pending before the Court is Plaintiff’s motion for summary judgment, filed October 28, 2011. Doc. 56. No opposition was filed. The matter is submitted pursuant to Local Rule 230(I).

Plaintiff moves for summary judgment against Defendant C. Boyer. Plaintiff does not argue the merits of the action, however. Plaintiff lists the procedural history of this action as the basis for his motion. On March 2, 2011, the undersigned ordered Plaintiff to send an informal letter to Defendant regarding settlement. Defendant’s counsel did not respond. Plaintiff contends that Defendants received his medical records and central file in an unauthorized manner, which Plaintiff contends violates the Federal Code of Regulations, Title 45, §§ 164.5.2 and 164.524 (privacy of medical records), and California Civil Code sections 56.10, 1798.24, and 1798.40 (privacy of records). Plaintiff submitted a list of potential witnesses and documents to

1 Defendant, who responded with across the board broad denial. Plaintiff made several requests to
2 see his medical file, and was not provided the opportunity to do so until July 2011. Plaintiff,
3 after review of his deposition, concluded that Defendant had no reason to go forward with the
4 case against him. On September 26, 2011, Plaintiff filed a motion to compel to require
5 Defendant to provide answers to documents. Plaintiff requests a judgment in his favor.

6 Plaintiff's motion is denied. Under Local Rule 260(a) and Rule 56 of the Federal Rules
7 of Civil Procedure, a motion for summary judgment requires enumeration of specific material
8 facts and citation to supporting evidence. Summary judgment will only be granted if there is no
9 genuine dispute of material fact and the moving party is entitled to judgment as a matter of law.
10 Based on Plaintiff's submitted motion, he is not contesting the facts at issue in this action, but
11 rather the conduct of Defendant. Defendant, however, is under no obligation to settle this matter.
12 Defendant's alleged failure to comply with disclosure of Plaintiff's information is not grounds
13 for summary judgment. Defendant may object to discovery requests. Plaintiff's disagreement
14 with Defendant's actions during the course of this action is not grounds for summary judgment as
15 a matter of law.

16 Plaintiff's motion for summary judgment is without merit. Accordingly, it is HEREBY
17 ORDERED that Plaintiff's motion for summary judgment, filed October 28, 2011, is denied.

18 IT IS SO ORDERED.

19 **Dated: June 8, 2012**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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