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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DENNIS L. HAMILTON,  
Plaintiff,  
vs.  
JOHN HART, et al.,  
Defendants.

1:10-cv-00272-DAD-EPG-PC  
ORDER OPENING DISCOVERY

Dennis Hamilton (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on February 18, 2010. (ECF No.1.) This action now proceeds with the original Complaint, on Plaintiff’s Eighth Amendment claims for (1) excessive force, against defendants C/Os Hart, Doe Lieutenant,<sup>1</sup> Castro, Llamas, Prouty, Phillips, and Ronquillo; (2) inadequate medical care, against defendants C/Os Hart, Phillips, Bogle, Prouty, Ronquillo, Trupe and Ocampo; and (3) failure to protect Plaintiff, against defendants C/Os Phillips and Ronquillo.<sup>2</sup> (Id.)

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<sup>1</sup> Plaintiff has not sufficiently identified the Doe Lieutenant to initiate service of process.

<sup>2</sup> On April 30, 2013, the Court issued an order dismissing Plaintiff’s retaliation claim from this action for failure to state a claim, and dismissing defendants Scott, Durden, Perez, Gonzalez, and Massey from this action, for Plaintiff’s failure to state any claims against them upon which relief may be granted under 1983. (ECF No. 19.)

1 On August 30, 2016, the Court issued an order setting a mandatory initial scheduling  
2 conference in this case for November 2, 2016 at 2:00 p.m. before Magistrate Judge Erica P.  
3 Grosjean. (ECF No. 81.) The order also required the parties to exchange initial disclosures  
4 within sixty days. (Id.) On September 13, 2016, Defendants filed a request for reconsideration  
5 by the District Court of the order requiring initial disclosures. (ECF No. 83.)

6 In light of Defendants' objection to initial disclosures, the Court now opens discovery,  
7 and all parties are given leave to serve discovery without delay. The Court will set the  
8 remainder of the schedule at the initial scheduling conference on November 2, 2016.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The discovery phase for this case is now opened; and  
11 2. All parties are given leave to serve discovery without delay.

12 IT IS SO ORDERED.  
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14 Dated: September 14, 2016

15 /s/ Erica P. Grosjean  
16 UNITED STATES MAGISTRATE JUDGE  
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