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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANA MCMASTER,
Plaintiff,
v.
M. E. SPEARMAN, et al.,
Defendants.

Case No. 1:10-cv-01407-AWI-SKO (PC)
ORDER REQUIRING DEFENDANTS TO
SERVE PLAINTIFF WITH GA 154 FORM
WITHIN THIRTY DAYS
(Docs. 78 and 82)

Plaintiff Dana McMaster, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 6, 2010. This action is proceeding on Plaintiff's second amended complaint, filed January 3, 2013, against Defendants Carlson, Garcia, Sedwick, Espitia, and Pease for failing to protect him, in violation of the Eighth Amendment, and against Defendant Carlson for retaliation, in violation of the First Amendment. The events giving rise to Plaintiff's claims allegedly occurred between March 7, 2009, and April 20, 2009, at Pleasant Valley State Prison in Coalinga, California.

The discovery phase of this litigation is closed as between Plaintiff and Defendants Carlson, Garcia, Sedwick, and Espitia, with the exception of the dispute regarding the existence of the GA 154 form for March 18, 2009. (Doc. 78, Order, 5:9-21; Doc. 97, F&R, 22:22-23:5.) The Court accepted Defendants' representation that the form no longer existed because it was discarded after one year, but it required Defendants to serve Plaintiff with the retention schedule.

1 (Doc. 78.) Defendants complied with the order and filed a notice regarding service of the
2 retention schedule on June 18, 2014. (Doc. 82.)

3 A review of the retention schedule evidences retention of the relevant record in the office
4 for only one year but maintenance of the official record in DDPS. (Doc. 82-1, Notice, p. 1.) The
5 GA 154 form is discoverable, and based on the substance Defendants' supplemental discovery
6 response, the Court concluded in error that the GA 154 form no longer existed. Fed. R. Civ. P.
7 26(b). The sufficiency of Defendants' response having been undercut by the retention schedule,
8 they shall produce the document.¹

9 Accordingly, within **thirty (30) days** from the date of service of this order, Defendants
10 shall serve Plaintiff with the GA 154 form for March 18, 2009, Pleasant Valley State Prison,
11 Charlie Facility, Building 5, cell number 214.

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13 IT IS SO ORDERED.

14 Dated: January 7, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Defendants are now represented by different counsel than they were during the relevant discovery period and the
28 Court does not wish to unnecessarily belabor the point, but it bears repeating that parties are required to engage in
discovery in good faith and the failure to do so may provide grounds for sanctions. Fed. R. Civ. P. 26(b)(1); *Asea,*
Inc. v. Southern Pac. Transp. Co., 669 F.2d 1242, 1246 (9th Cir. 1981).