

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,

Plaintiff,

vs.

KATHLEEN ALLISON, Warden, *et al.*,

Defendants.

Case No. 1:11-cv-001749-RRB

ORDER DENYING
MOTION AT DOCKET 25

At **Docket 25** Plaintiff Ronald F. Martinez filed a Motion to Compel Responses to Discovery. Defendant J. Davis has opposed the motion,¹ and Martinez has replied.²

Martinez seeks to compel production of restraints and clothing used on an inmate while on contraband watch. In screening the Complaint this Court permitted Martinez to proceed on his Eighth Amendment excessive force claim pleaded in his third cause of action against Defendant J. Davis.³ Upon further review of the Complaint, to clarify the extent of the claim upon which Plaintiff may proceed in this Court, it is noted that the sole allegations that rise to the level of a constitutional Eighth Amendment excessive force claim are those allegations contained in paragraphs 56 through 58 of the Complaint. At most,

¹ Docket 26.

² Docket 32.

³ Docket 11.

the remaining allegations contained in the third cause of action constitute violations of the regulations promulgated by California Department of Corrections and Rehabilitation, which do not rise to the level of a constitutional excessive force claim cognizable in this Court.

The restraints and clothing sought to be produced are not relevant to the issue of excessive force, nor will their production reasonably lead to the discovery of admissible evidence.⁴ Accordingly, Plaintiff's Motion to Compel Responses to Discovery at **Docket 25** is **DENIED**.

IT IS SO ORDERED this 3rd day of September, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

⁴ See Fed. R. Civ. P. 26(b)(1).