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

JOSEPH RAYMOND MCCOY,)	Case No.: 1:12-cv-000983-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION TO
v.)	COMPEL, FILED JULY 15, 2019
)	
STRONACH, et al.,)	[ECF No. 145]
)	
Defendants.)	
)	
)	

Plaintiff Joseph Raymond McCoy is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion to compel, filed July 15, 2019.

**I.
BACKGROUND**

This action is proceeding against Defendants Stronach, Gonzales, LeMay, Beltran, Fisher, Snell and Tann for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On April 25, 2019, the Court issued an amended scheduling order, and the deadline for completion of all discovery is October 2, 2019. (ECF No. 129.)

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1 As previously stated, Plaintiff filed a motion to compel on July 15, 2019. Defendants filed an
2 opposition on August 6, 2019. Plaintiff did not file a reply and the time to do so has expired. Local
3 Rule 230(l).

4 **II.**
5 **DISCUSSION**

6 Plaintiff is proceeding pro se and he is a civil detainee challenging his conditions of confinement.
7 As a result, the parties were relieved of some of the requirements which would otherwise apply,
8 including initial disclosure and the need to meet and confer in good faith prior to involving the Court in
9 a discovery dispute. Fed. R. Civ. P. 26(a)(1); Fed. R. Civ. P. 26(c); Fed. R. Civ. P. 37(a)(1); Local Rules
10 240, 251; ECF No. 52, Discovery and Scheduling Order, ¶IV. Further, where otherwise discoverable
11 information would pose a threat to the safety and security of the prison or infringe upon a protected
12 privacy interest, a need may arise for the Court to balance interests in determining whether disclosure
13 should occur. See Fed. R. Civ. P. 26(c); Seattle Times Co. v. Rhinehart, 467 U.S. 20, 35 n.21 (1984)
14 (privacy rights or interests implicit in broad purpose and language of Rule 26(c)); Burlington N. & Santa
15 Fe Ry. Co. v. United States Dist. Court for the Dist. of Montana, 408 F.3d 1142, 1149 (9th Cir. 2005)
16 (discussing assertion of privilege); Soto v. City of Concord, 162 F.R.D. 603, 616 (N.D. Cal. 1995)
17 (recognizing a constitutionally-based right of privacy that can be raised in discovery); see also Garcia
18 v. Clark, No. 1:10-CV-00447-LJO-DLB PC, 2012 WL 1232315, at *6 n.5 (E.D. Cal. Apr. 12, 2012)
19 (noting inmate's entitlement to inspect discoverable information may be accommodated in ways which
20 mitigate institutional safety concerns); Robinson v. Adams, No. 1:08-cv-01380-AWI-BAM PC, 2012
21 WL 912746, at *2-3 (E.D. Cal. Mar. 16, 2012) (issuing protective order regarding documents containing
22 information which implicated the safety and security of the prison); Orr v. Hernandez, No. CV-08-0472-
23 JLQ, 2012 WL 761355, at *1-2 (E.D. Cal. Mar. 7, 2012) (addressing requests for protective order and
24 for redaction of information asserted to risk jeopardizing safety and security of inmates or the institution
25 if released); Womack v. Virga, No. CIV S-11-1030 MCE EFB P, 2011 WL 6703958, at *5-6 (E.D. Cal.
26 Dec. 21, 2011) (requiring defendants to submit withheld documents for in camera review or move for a
27 protective order).
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1 However, this is a civil action to which the Federal Rules of Civil Procedure apply. The
2 discovery process is subject to the overriding limitation of good faith, and callous disregard of discovery
3 responsibilities cannot be condoned. Asea, Inc. v. Southern Pac. Transp. Co., 669 F.2d 1242, 1246 (9th
4 Cir. 1981) (quotation marks and citation omitted). “Parties may obtain discovery regarding any
5 nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the
6 case, considering the importance of the issues at stake in the action, the amount in controversy, the
7 parties’ relative access to relevant information, the parties’ resources, the importance of the discovery
8 in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely
9 benefit.” Fed R. Civ. P. 26(b)(1).

10 Generally, if the responding party objects to a discovery request, the party moving to compel
11 bears the burden of demonstrating why the objections are not justified. Grabek v. Dickinson, No. CIV
12 S-10-2892 GGH P, 2012 WL 113799, at *1 (E.D. Cal. Jan. 13, 2012); Womack, 2011 WL 6703958, at
13 *3; Mitchell v. Felker, No. CV 08-119RAJ, 2010 WL 3835765, at *2 (E.D. Cal. Sep. 29, 2010); Ellis v.
14 Cambra, No. 1:02-cv-05646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008). This
15 requires the moving party to inform the Court which discovery requests are the subject of the motion to
16 compel, and, for each disputed response, why the information sought is relevant and why the responding
17 party’s objections are not meritorious. Grabek, 2012 WL 113799, at *1; Womack, 2011 WL 6703958,
18 at *3; Mitchell, 2010 WL 3835765, at *2; Ellis, 2008 WL 860523, at *4. However, the Court is vested
19 with broad discretion to manage discovery and notwithstanding these procedures, Plaintiff is entitled to
20 leniency as a pro se litigant; therefore, to the extent possible, the Court endeavors to resolve his motion
21 to compel on its merits. Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012); Survivor Media,
22 Inc. v. Survivor Productions, 406 F.3d 625, 635 (9th Cir. 2005); Hallett v. Morgan, 296 F.3d 732, 751
23 (9th Cir. 2002).

24 Here, Plaintiff’s motion to compel involves three separate document requests seeking two
25 documents. The first request for production seeks Rules Violation Report (RVR) Log No. CSATF-
26 SP-B-09-08-010, dated August 13, 2009, along with the corresponding incident reports. The second
27 request for production seeks RVR Log No. CSATF-SP-B-09-08-016, dated August 25, 2009, along
28

1 with the corresponding incident reports.¹ The third request for production seeks the same two
2 documents requested above.

3 Defendants submit that since this case has been remanded from the Ninth Circuit, Plaintiff has
4 propounded ten (10) sets of discovery on all Defendants, including the following dates: 5/7/19,
5 5/16/19 (x2), 6/30/19, 7/3/19, 7/11/19, 7/16/19 (x2), 7/17/19, and 7/20/19. (Declaration of William
6 McCaslin ¶ 3, ECF No. 148.) Defendants responded to Plaintiff's discovery request on June 7, 2019,
7 and produced RVR Log No. CSATF-SP-B-09-08-010, dated August 13, 2009, along with the
8 corresponding reports. (ECF No. 145, Ex. B.) Defendants then produced a supplemental response on
9 June 11, 2019, including RVR Log No. CSATF-SP-B-09-08-016, dated August 25, 2009, along with
10 the corresponding reports. (Id., Ex. D.)

11 Because Plaintiff has received a copy of both the RVRs as requested, there is nothing more for
12 Defendants to produce.² Accordingly, Plaintiff's motion to compel, filed July 15, 2019, is denied.

13
14 IT IS SO ORDERED.

15 Dated: August 21, 2019



16 UNITED STATES MAGISTRATE JUDGE

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19 _____
20 ¹ Defendants submit that these document requests are duplicative of discovery requests sent from Plaintiff to Defendants on October 22, 2014. (Declaration of William McCaslin, Ex. A, Doc. Req. No. 12.)

21 ² Plaintiff's appears to object to the lack of certification of the documents. However, Plaintiff is advised signed discovery
22 responses are themselves certifications to the best of the person's knowledge, information, and belief formed after a
23 reasonable inquiry, Fed. R. Civ. P. 26(g)(1)(B) (quotation marks omitted), as are other signed filings presented to the
24 Court, Fed. R. Civ. P. 11(b). See also Fed. R. Civ. P. 33(c). Further, Defendants are required to supplement their discovery
25 responses should they learn that their responses were incomplete or incorrect, if the incomplete or incorrect information
26 has not otherwise been made known to Plaintiff. Fed. R. Civ. P. 26(e)(1) (quotation marks omitted). Moreover, the Court
27 recognizes that Plaintiff may be disinclined to accept Defendants' discovery responses at face value, he is in a position no
28 different than any other civil litigant: he is required to accept legally sufficient discovery responses. Mere distrust and
suspicion do *not* form a legitimate basis to further challenge facially sufficient discovery responses, and Plaintiff is entitled
to seek additional and/or different evidence in support of discovery responses already provided or to expand the scope of
discovery beyond that sought in the initial discovery request. Fed. R. Civ. P. 26(g)(1), 33; Gorrell v. Sneath, 292 F.R.D.
629, 632 (E.D. Cal. 2013); L.H. v. Schwarzenegger, No. S-06-2042 LKK GGH, 2007 WL 2781132, at *2 (E.D. Cal. 2007).