

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAM CORTINAS,

) Case No.: 1:13-cv-01229-AWI-SAB (PC)

Plaintiff.

) ORDER GRANTING PLAINTIFF'S REQUESTS
) TO CONDUCT DISCOVERY ON THE LIMITED
) ISSUE OF EXHAUSTION OF ADMINISTRATIVE
) REMEDIES

M. PORTILLO, et al.,

)
)

Defendants.

)

Plaintiff Larry William Cortinas is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 4, 2015, the Court set an evidentiary hearing to be held on May 19, 2015, at 1:00 p.m. to determine the disputed issues of facts relating to exhaustion of the administrative remedies. The hearing will commence and be completed that afternoon, and will be limited to the following issues relating to exhaustion of the administrative remedies: (1) whether Plaintiff's inmate appeal number CSPC-5-12-1100 was improperly rejected at the second level of review for Plaintiff's failure to participate in the interview process; and (2) if improperly rejected, whether Plaintiff received the letter dated July 30, 2012, informing him that his appeal was cancelled at the second level of review for failure to cooperate. (ECF No.

On March 25, 2015, Plaintiff filed two separate motions regarding discovery of documentation relating to the issue of his exhaustion of the administrative remedies. On the basis of good cause and

1 in anticipation of the evidentiary hearing on May 19, 2015, Plaintiff may submit his requests for
2 discovery upon Defendants who shall have **thirty (30)** days from the date of service to file a response.
3 Plaintiff is advised that discovery requests shall not be filed with the Court except in the case of a
4 discovery dispute. (ECF Nos. 3 & 20.) Discovery documents inappropriately submitted to the Court
5 may be stricken. (ECF No. 3.) To the extent Plaintiff attempts to argue the merits of his claim that he
6 exhausted the administrative remedies by way of motion submitting in writing to the Court, such
7 arguments should be reserved for presentation at the evidentiary hearing on May 19, 2015, and not
8 filed in writing with the Court. Plaintiff is advised that he must be diligent in preparing and serving his
9 request so as to give defendants the necessary time to respond to his requests before the May 19
10 hearing.

11 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's request to conduct discovery
12 limited to the issue of exhaustion of the administrative remedies is GRANTED, and Plaintiff may
13 serve his discovery requests upon Defendants who have **thirty (30)** days from the date of service of
14 Plaintiff's request to file a response.

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16 IT IS SO ORDERED.

17 Dated: March 26, 2015



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UNITED STATES MAGISTRATE JUDGE