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

MERRICK JOSE MOORE,  
Plaintiff,  
v.  
GIPSON, et al.,  
Defendants.

Case No. 1:13-cv-01820-DAD-BAM (PC)  
ORDER REGARDING PLAINTIFF’S  
STATUS REPORT AND MOTION FOR  
COURT ORDER, AND DIRECTING THE  
PARTIES TO MEET AND CONFER  
(ECF No. 82)  
ORDER STAYING BRIEFING ON  
PLAINTIFF’S MOTION FOR COURT  
ORDER

Plaintiff Merrick Jose Moore (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 8, 2017, Defendants filed a motion to compel pursuant to Federal Rule of Civil Procedure 37(a)(3)(B). (ECF No. 43.) On October 5, 2017, the Court issued an order directing the parties to meet and confer regarding the discovery dispute, and to file a joint statement following the parties’ conference. The Court stayed further briefing on Defendants’ motion to compel. (ECF No. 48.)

Following the parties’ meet and confer and the filing of multiple status reports with no resolution of the dispute, on January 3, 2018, the Court reinstated briefing on Defendants’ pending motion to compel. (ECF No. 59.) On February 7, 2018, the Court granted the motion to compel and ordered Plaintiff to serve supplemental discovery responses within thirty (30) days.

1 (ECF No. 64.)

2       Thereafter, Plaintiff asserted continued difficulty in accessing his property, in part due to  
3 lack of access to his law library and several transfers between institutions. Accordingly, the  
4 Court granted two more extensions of time for Plaintiff to serve his discovery responses. (ECF  
5 No. 72, 81.)

6       Currently before the Court is Plaintiff's status report and request for a court order  
7 directing prison officials to comply with his discovery requests, filed June 14, 2018. (ECF No.  
8 82.) Plaintiff argues that despite repeated requests, he has been unable to access his legal  
9 property or medical records in order to provide his supplemental discovery responses. (Id.)

10       Upon review of the motion referenced above, and in light of the lengthy nature of this  
11 dispute, the Court finds it appropriate to require the parties to engage in a meet and confer  
12 conference regarding Plaintiff's continued difficulty in accessing his legal property and medical  
13 file. Defense counsel is directed to contact Plaintiff by telephone, or to set-up an in-person  
14 meeting, regarding the parties' discovery dispute within **twenty-one (21) days** of the date of this  
15 order. Briefing on the motion is stayed during the meet and confer process, and Defendants are  
16 relieved of their obligation to respond to the motion until further order of the court.

17       Within **seven (7) days** of the parties' conference, defense counsel shall file a Joint  
18 Statement regarding the meet and confer conference. All parties shall participate in the  
19 preparation of the Joint Statement, and must sign the Joint Statement. Electronic signatures are  
20 acceptable; a wet signature is not required.

21       The Joint Statement shall set forth the following:

22       (a) a statement that the parties met and conferred in good faith regarding the dispute, by  
23 phone or in-person, including the date(s) of the conference(s);

24       (b) a statement explaining whether the motion was resolved in full or in part through the  
25 meet and confer process; and

26       (c) if any issues from the motion remain unresolved, a statement referring the court to  
27 each specific request or portion of Plaintiff's property that is still at issue.

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