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

JAMES W. MILLNER,)	Case No.: 1:13-cv-02029-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	TO COMPEL AS MOOT
)	
MARTIN BITER, et al.,)	[ECF No. 79]
)	
Defendants.)	
)	
)	

Plaintiff James W. Millner is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 23, 2015, Defendants filed a motion for summary judgment relating to exhaustion of the administrative remedies. (ECF No. 70.) On July 7, 2015, Defendants filed a motion to stay discovery pending resolution of their motion for summary judgment relating to exhaustion of the administrative remedies. The Court granted Defendants’ motion on July 9, 2015, and all merits-based discovery was stayed pending resolution of Defendants’ motion for summary judgment relating to exhaustion. (ECF No. 72.)

On July 20, 2015, Plaintiff filed a motion entitled “Plaintiff’s Partial Opposition to Defendants’ Motion for Stay of Discovery” (ECF No. 79.) Plaintiff seeks production of documents which he contends fall outside of the Court’s stay of discovery. Specifically, Plaintiff seeks “his medical file from July 14, 2013, to the present,” “his mental health file,” and “his psychiatric progress notes from

1 his placement in High Desert State Prison’s Mental Health Crisis bed from July 16, 2013 to July 25,
2 2013.” (ECF No. 79, Mot. at 1.) Plaintiff submits that such documentation may be relevant to his
3 argument related to exhaustion of the administrative remedies. (Id.)

4 On July 27, 2015, Defendants filed a statement of non-opposition to Plaintiff’s motion and
5 interpreted Plaintiff’s request as a motion to compel. (ECF No. 83.) Plaintiff did not file a reply, and
6 the motion is deemed submitted to the Court for review. Local Rule 230(l).

7 “Defendants do not oppose Plaintiff’s motion to the extent Plaintiff asks for documents relating
8 to his alleged inability to file an inmate appeal from July 14, 2013 to September 2013.” (ECF No. 83,
9 Opp’n at 2:1-2.) Defendants submit that as a courtesy they will provide Plaintiff with a copy of his
10 medical records for the year 2013. (Id. at 2:4-5.) However, to the extent Plaintiff seeks documents
11 outside of the year of 2013, Defendants submit such documents are not relevant to Plaintiff’s alleged
12 inability to file an inmate appeal, and Defendants object to such production. (Id. at 2:5-7.) Plaintiff
13 has not opposed Defendants’ objection to documentation outside of the year of 2013 and there is no
14 basis to overrule such objection.

15 Accordingly, inasmuch as Defendants have agreed to produce the documents Plaintiff
16 requested by way of his motion to compel, no further relief is necessary, and Plaintiff’s motion to
17 compel is DENIED.

18
19 IT IS SO ORDERED.

20 Dated: August 27, 2015



UNITED STATES MAGISTRATE JUDGE