



1 On the same day that the Clerk of the Court received and docketed Plaintiff's filing,  
2 Defendants Nixon and Carey filed a motion for summary judgment pursuant to Federal Rule of  
3 Civil Procedure 56 for Plaintiff's failure to exhaust administrative remedies. (ECF No. 60.) As  
4 discussed in the *Rand* warning provided to Plaintiff with that motion, (ECF No. 60-2), Plaintiff  
5 may file an opposition to the motion and include specific facts in declarations, depositions,  
6 answers to interrogatories, or authenticated documents in support. The opposition is due within  
7 twenty-one (21) days of the date of service of the motion. Local Rule 230(1).

8 Considering Plaintiff's *pro se* status, and because his exhibits were submitted with a dated  
9 and signed declaration, the Court will grant Plaintiff's request to accept his exhibit and not  
10 require that he re-file the documents. Plaintiff may reference the documents he has submitted in  
11 his opposition to Defendants' summary judgment motion, if he chooses. Plaintiff may also inform  
12 the Court in writing that he does not wish to submit any other opposition or additional  
13 submission, and will stand upon his April 9, 2018 filing alone to oppose Defendants' motion, if  
14 he chooses. Any further submission in opposition to Defendants' summary judgment motion by  
15 Plaintiff must be submitted as a single filing, including any exhibits, by the deadline noted above.

## 16 **II. Plaintiff's First Request for Production of Documents**

17 Plaintiff also submitted his First Set of Requests for Production of Documents with his  
18 filing discussed above, which is directed at Defendants.

19 As discussed in this Court's first informational order in this case, issued on March 11,  
20 2014, discovery requests must be served directly on the attorney for the party from whom  
21 discovery is sought, and generally should not be filed with the Court. (ECF No. 3 ¶¶ V.C, D.)  
22 Normally, the Clerk of the Court will return discovery sent to the Court for filing as improper, or  
23 the Court will strike discovery wrongfully filed in an action. However, in the interests of justice  
24 and as a one-time exception, the Court will instead consider this set of requests for productions as  
25 served on Defendants as of the date it was filed. Defendants shall respond to the discovery  
26 requests as provided in the Court's discovery and scheduling order issued on October 4, 2017  
27 (ECF No. 38), as amended, (ECF No. 54). In the future, discovery requests and responses should  
28 not be filed with the Court. The parties should carefully read and obey all court orders.

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**III. Conclusion**

Accordingly, it is HEREBY ORDERED that Plaintiff’s motion to submit administrative 602 exhaustion to Defendants and Court as exhibit, verifying exhaustion of all claims, filed on April 9, 2018 (ECF No. 59) is granted.

IT IS SO ORDERED.

Dated: April 16, 2018

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE