

1 otherwise discoverable information would pose a threat to the safety and security of the prison or
2 infringe upon a protected privacy interest, a need may arise for the Court to balance interests in
3 determining whether disclosure should occur. See Fed. R. Civ. P. 26(c); Seattle Times Co. v.
4 Rhinehart, 467 U.S. 20, 35 n.21 (1984) (privacy rights or interests implicit in broad purpose and
5 language of Rule 26(c)); Burlington N. & Santa Fe Ry. Co. v. United States Dist. Court for the Dist. of
6 Montana, 408 F.3d 1142, 1149 (9th Cir. 2005) (discussing assertion of privilege); Soto v. City of
7 Concord, 162 F.R.D. 603, 616 (N.D. Cal. 1995) (recognizing a constitutionally-based right of privacy
8 that can be raised in discovery); see also Garcia v. Clark, No. 1:10-CV-00447-LJO-DLB PC, 2012
9 WL 1232315, at *6 n.5 (E.D. Cal. Apr. 12, 2012) (noting inmate’s entitlement to inspect discoverable
10 information may be accommodated in ways which mitigate institutional safety concerns); Robinson v.
11 Adams, No. 1:08-cv-01380-AWI-BAM PC, 2012 WL 912746, at *2-3 (E.D. Cal. Mar. 16, 2012)
12 (issuing protective order regarding documents containing information which implicated the safety and
13 security of the prison); Orr v. Hernandez, No. CV-08-0472-JLQ, 2012 WL 761355, at *1-2 (E.D. Cal.
14 Mar. 7, 2012) (addressing requests for protective order and for redaction of information asserted to
15 risk jeopardizing safety and security of inmates or the institution if released); Womack v. Virga, No.
16 CIV S-11-1030 MCE EFB P, 2011 WL 6703958, at *5-6 (E.D. Cal. Dec. 21, 2011) (requiring
17 defendants to submit withheld documents for in camera review or move for a protective order).

18 However, this is a civil action to which the Federal Rules of Civil Procedure apply. The
19 discovery process is subject to the overriding limitation of good faith, and callous disregard of
20 discovery responsibilities cannot be condoned. Asea, Inc. v. Southern Pac. Transp. Co., 669 F.2d
21 1242, 1246 (9th Cir. 1981) (quotation marks and citation omitted). “Parties may obtain discovery
22 regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to
23 the needs of the case, considering the importance of the issues at stake in the action, the amount in
24 controversy, the parties’ relative access to relevant information, the parties’ resources, the importance
25 of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery
26 outweighs its likely benefit.” Fed R. Civ. P. 26(b)(1).

27 Generally, if the responding party objects to a discovery request, the party moving to compel
28 bears the burden of demonstrating why the objections are not justified. Grabek v. Dickinson, No. CIV

1 S-10-2892 GGH P, 2012 WL 113799, at *1 (E.D. Cal. Jan. 13, 2012); Womack, 2011 WL 6703958, at
2 *3; Mitchell v. Felker, No. CV 08-119RAJ, 2010 WL 3835765, at *2 (E.D. Cal. Sep. 29, 2010); Ellis
3 v. Cambra, No. 1:02-cv-05646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008).

4 This requires the moving party to inform the Court which discovery requests are the subject of the
5 motion to compel, and, for each disputed response, why the information sought is relevant and why
6 the responding party's objections are not meritorious. Grabek, 2012 WL 113799, at *1; Womack,
7 2011 WL 6703958, at *3; Mitchell, 2010 WL 3835765, at *2; Ellis, 2008 WL 860523, at *4.
8 However, the Court is vested with broad discretion to manage discovery and notwithstanding these
9 procedures, Plaintiff is entitled to leniency as a pro se litigant; therefore, to the extent possible, the
10 Court endeavors to resolve his motion to compel on its merits. Hunt v. County of Orange, 672 F.3d
11 606, 616 (9th Cir. 2012); Survivor Media, Inc. v. Survivor Productions, 406 F.3d 625, 635 (9th Cir.
12 2005); Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002).

13 **B. Plaintiff's Motion to Compel**

14 Plaintiff moves to compel Defendants to produce for inspection and copying his Unit Health
15 Records.

16 Defendants oppose Plaintiff's motion because it is procedurally deficient and Plaintiff failed to
17 serve a valid discovery request for such documentation.

18 In response, Plaintiff contends that he properly served Defendants with a discovery request on
19 March 3, 2016.

20 Plaintiff's motion is procedurally defective because he failed to attach the discovery requests at
21 issue or the Defendants' responses which he contends are inadequate. As previously noted, the
22 moving party bears the burden of informing the court which discovery requests are the subject of the
23 motion to compel, which responses are disputed, why the defendant's responses are deficient or its
24 objections not justified, and why the information sought is relevant to the prosecution of the action.
25 See Christ v. Blackwell, No. CIV-S-10-0760, 2011 WL 3847165, at *2 (E.D. Cal. Aug. 30, 2011);
26 Ellis v. Cambra, No. 1:02-CV-05646, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008). To satisfy
27 the burden, Plaintiff must provide a copy of the propounded request, as well as the disputed responses,
28

1 and objections. Roberts v. Cate, No. 2:08-cv-2624, 2011 WL 4405821, at *1 (E.D. Cal. Sept. 22,
2 2011); Nelson v. Runnels, No. CIV S-06-1289, 2009 WL 211052, at *8 (E.D. Cal. Jan. 28, 2009).

3 In this instance, Plaintiff sets forth his requests and responses directed to a non-party,
4 California State Prison, Corcoran’s (CSP-COR) medical records department seeking review of his
5 electronic unit health record. (ECF No. 78, Mot. at 3-7.) Plaintiff also submits a declaration and
6 attaches what he contends is a request for production of documents that was submitted to the
7 Defendants. Plaintiff argues that CSP COR’s medical records department “has repeatedly failed to
8 provide Plaintiff with access to his Unit Health Records” and failed to comply with certain California
9 Code of Regulations sections and the Information Practice[s] Act. (Id. at 21:12-16.) Plaintiff argues
10 that his personal Unit Health Records are “highly relevant to his claims” and the material should be
11 produced.

12 Defendants submit that defense counsel sent Plaintiff a letter dated April 11, 2016, in response
13 to a telephone conversation between counsel and Plaintiff on March 11, 2016, where they discussed
14 Plaintiff’s March 3, 2016, request for production of documents.

15 Defense counsel specifically stated the following:

16 This letter serves to confirm our phone conversation on March 11, 2016, wherein we discussed
17 your March 3, 2016 request for production of documents. You explained to me that this
18 request does not require my clients to produce documents to you, but rather, serves to notify
19 the Court and myself that one of your previous requests for copies of your Unit Health Records
20 has been denied. You also informed me that you recently sent another request to review your
21 medical records. I also received your March 22, 2016 letter regarding the status of your
22 requests for your records.

23 I contacted the Litigation Office at Corcoran to inquire about your document requests. The
24 attached documents indicate that you reviewed your medical records on January 14, 2016, and
25 received requested medical records on February 2, 2016. The Litigation Office also told me
26 that you have been informed that the prison is unable to show you the electronic version of
27 your records; however, if you provide a date range in your request, the medical records will be
28 copied and provided to you at no cost. The attached Form 22 demonstrates you refused this
service, and continue to insist on reviewing your records electronically.

California Code of Regulations, Title 15, section 3370, subdivision (c) dictates that inmates
may review their own unit health records; however, it does not require that the review be done
on a computer. Indeed, the Regulations state that the review of your medical records may be
done in the presence of staff and “*may* necessitate the use of a computer.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.
ORDER

Based on the foregoing, Plaintiff's motion to compel is DENIED.

IT IS SO ORDERED.

Dated: August 24, 2016



UNITED STATES MAGISTRATE JUDGE