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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES W. WINDHAM,  
Plaintiff,  
v.  
M. MARIN, et al.,  
Defendants.

No. 1:14-cv-01636 DAD-BAM (PC)  
ORDER DISREGARDING PLAINTIFF’S  
OBJECTIONS TO COURT’S ORDERS  
(ECF No. 51)

Plaintiff Charles W. Windham is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment claims of excessive force against defendants M. Marin, D. Uribe, W. Rasley, J. Contreras, A. Capano, R. Rubio, and Doe #1, and for deliberate indifference to serious medical needs against defendants C. Navarro, V. Morales, M. Marin, and S. Shiver. Plaintiff’s claims arise out of an alleged unprovoked assault on September 11, 2014 at Corcoran State Prison.

Currently pending before the court are Plaintiff’s “objections” to (1) the undersigned’s August 17, 2015 order granting a stay of non-exhaustion discovery and granting Defendants an extension of time to respond to pending discovery requests, and (2) the then assigned-district judge’s September 1, 2015 order denying Plaintiff’s motion for reconsideration of the order

1 granting a stay of non-exhaustion discovery and granting Defendants an extension of time to  
2 respond to pending discovery requests. (ECF No. 51.)

### 3 **I. Background**

4 On August 17, 2015, the Court granted Defendants' request to stay all non-exhaustion  
5 related discovery pending the disposition of their motion for summary judgment under Federal  
6 Rule of Civil Procedure 56 for failure to exhaust administrative remedies. (ECF No. 43.) The  
7 Court also granted Defendants an extension of time to respond to Plaintiff's pending discovery  
8 requests, until after this Court decides the aforementioned motion for summary judgment. (*Id.* at  
9 3.)

10 On August 26, 2015, Plaintiff filed objections to the Court's August 17, 2015 order and a  
11 concurrent opposition to Defendants' motion for a stay of discovery and extension of time to  
12 respond to pending discovery. (ECF Nos. 45, 46.) In his objections, Plaintiff sought reversal of  
13 the Court's order granting Defendants' motion. (ECF No. 45, p. 4.)

14 On September 1, 2015, the then-assigned District Court Judge denied Plaintiff's motion  
15 for reconsideration, finding that the order granting a stay of non-exhaustion discovery and an  
16 extension of time to respond to Plaintiff's discovery requests was not clearly erroneous or  
17 contrary to law under Federal Rule of Civil Procedure 72. (ECF No. 48.)

18 On September 8, 2015, Plaintiff filed a motion to compel Defendants' responses to his  
19 pending discovery requests. (ECF No. 50.) By separate order, the Court has denied Plaintiff's  
20 motion to compel in light of the stay of non-exhaustion discovery and Defendants' extension of  
21 time to respond to the pending discovery requests.

22 On September 10, 2015, Plaintiff filed objections to the undersigned's August 17, 2015  
23 order, and the District Court Judge's September 1, 2015 order. (ECF No. 51.)

### 24 **II. Discussion**

25 Plaintiff's objections do not ask for any specific form of relief. Rather, Plaintiff reports  
26 that he has filed these objections "in order to preserve the issues for appeal to the Ninth Judicial  
27 Circuit." (ECF No. 51, p. 1.) Although Plaintiff states that the Court's decisions are an abuse of  
28 discretion and clearly and plainly erroneous, the bulk of Plaintiff's objections relate to his various

1 contentions that the Court, the California Attorney General’s Office (and its deputy attorney  
2 generals) and the California Department of Corrections and Rehabilitation (“CDCR”) are working  
3 together to deny prisoners justice and their day in court, that the Court is not impartial, and that  
4 CDCR and its staff are obstructing his attempts to prosecute this case, and that the CDCR appeals  
5 process is rigged. (*Id.* at pp. 2-6.) In short, Plaintiff’s objections appear to be an assertion of his  
6 general displeasure with the Court, its rulings and the litigation process. Since Plaintiff is not  
7 asking for any particular form of relief by way of these objections, and is instead attempting to  
8 preserve his issues for appeal, the Court finds it unnecessary to specifically address Plaintiff’s  
9 objections at this time.

10 **III. Conclusion**

11 Accordingly, Plaintiff’s objections, filed on September 10, 2015, are HEREBY  
12 DISREGARDED.

13  
14 IT IS SO ORDERED.

15 Dated: February 13, 2017

/s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE