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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOAQUIN MURILLO,
Plaintiff,
v.
K. HOLLAND, et al.,
Defendants.

No. 1:15-cv-0266 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. Plaintiff alleges defendants deprived him of sleep in violation of the Eighth Amendment. Before the court is plaintiff’s motion to compel responses to discovery. For the reasons set forth below, the court will grant in part and deny in part plaintiff’s motion.

BACKGROUND

This case is proceeding on plaintiff’s first amended complaint (“FAC”) filed on December 19, 2016. (ECF No. 52.) Defendants’ motion to dismiss that complaint was granted in part and denied in part. (ECF Nos. 57, 58.) One claim remains – plaintiff’s Eighth Amendment claim that defendants Holland, Gutierrez, and Ybarra implemented Guard One security checks and allowed them to continue despite their knowledge that the checks were depriving plaintiff of sleep. After defendants filed an answer, the court issued a Discovery and Scheduling Order on July 7, 2017 which set a discovery cut-off of December 7, 2017 and a deadline of February 5, 2018 for

1 filing pre-trial dispositive motions. (ECF No. 62.) On November 16, 2017, the court granted
2 plaintiff's request to extend the discovery cut-off to February 7, 2018. (ECF No. 72.)

3 On July 11, 2017, Jorge Andrade Rico filed a notice that his case, No. 2:17-cv-1402-CKD,
4 is related to the present case and two other cases pending in this court, including the class action
5 Coleman v. Brown, No. 2:90-cv-520 KJM DB P. (ECF No. 64.) On February 2, 2018, District
6 Judge Mueller related the four cases. (ECF No. 79.) Each has been assigned to Judge Mueller
7 and to the undersigned magistrate judge. Since then, two additional cases regarding the Guard
8 One system have been related to Coleman. See Suarez v. Beard, 2:18-cv-0340 KJM DB (E.D.
9 Cal.) and Lipsey v. Barnes, 2:18-cv-0362 KJM DB (E.D. Cal.).

10 On January 8, 2018 plaintiff filed motions to compel defendants to respond to his first and
11 second sets of interrogatories and requests for production of documents. (ECF No. 75.) On
12 January 29, 2018, plaintiff filed a second motion to compel. (ECF No. 76.) In the second
13 motion, plaintiff sought further responses to his second set of interrogatories and requests for
14 production of documents. In an order filed February 27, 2018, based on plaintiff's failure to
15 identify the discovery responses he was challenging, the court denied the motions to compel
16 without prejudice. (ECF No. 86.) The court gave plaintiff thirty days to renew his motion to
17 compel. In addition, the court extended the discovery deadline through March 31, 2018 and the
18 dispositive motion deadline through May 31, 2018.

19 On March 26, 2018, plaintiff filed the present, renewed motion to compel. (ECF No. 87.)
20 On April 17, 2018, defendants filed an opposition. (ECF No. 88.) Plaintiff has not filed a reply
21 brief.

22 MOTION TO COMPEL

23 I. Legal Standards

24 Under Rule 37 of the Federal Rules of Civil Procedure, "a party seeking discovery may
25 move for an order compelling an answer, designation, production, or inspection." Fed. R. Civ. P.
26 37(a)(3)(B). The court may order a party to provide further responses to an "evasive or
27 incomplete disclosure, answer, or response." Fed. R. Civ. P. 37(a)(4). "District courts have
28 'broad discretion to manage discovery and to control the course of litigation under Federal Rule

1 of Civil Procedure 16.” Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012) (quoting
2 Avila v. Willits Envtl. Remediation Trust, 633 F.3d 828, 833 (9th Cir. 2011)).

3 The party moving to compel bears the burden of informing the court (1) which discovery
4 requests are the subject of the motion to compel, (2) which of the responses are disputed, (3) why
5 the party believes the response is deficient, (4) why any objections are not justified, and (5) why
6 the information sought through discovery is relevant to the prosecution of this action. McCoy v.
7 Ramirez, No. 1:13-cv-1808-MJS (PC), 2016 WL 3196738, at *1 (E.D. Cal. June 9, 2016); Ellis v.
8 Cambra, No. 1:02-cv-5646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008).

9 The purpose of discovery is to “remove surprise from trial preparation so the parties can
10 obtain evidence necessary to evaluate and resolve their dispute.” United States v. Chapman
11 Univ., 245 F.R.D. 646, 648 (C.D. Cal. 2007) (quotation and citation omitted). Rule 26(b)(1) of
12 the Federal Rules of Civil Procedure offers guidance on the scope of discovery permitted:

13 Parties may obtain discovery regarding any nonprivileged
14 information that is relevant to any party's claim or defense and
15 proportional to the needs of the case, considering the importance of
16 the issues at stake in the action, the amount in controversy, the
17 parties' relative access to relevant information, the parties'
resources, the importance of the discovery in resolving the issues,
and whether the burden or expense of the proposed discovery
outweighs its likely benefit. Information within this scope of
discovery need not be admissible in evidence to be discoverable.

18 “Relevance for purposes of discovery is defined very broadly.” Garneau v. City of
19 Seattle, 147 F.3d 802, 812 (9th Cir. 1998). “The party seeking to compel discovery has the
20 burden of establishing that its request satisfies the relevancy requirements of Rule 26(b)(1).
21 Thereafter, the party opposing discovery has the burden of showing that the discovery should be
22 prohibited, and the burden of clarifying, explaining or supporting its objections.” Bryant v.
23 Ochoa, No. 07cv200 JM (PCL), 2009 WL 1390794, at *1 (S.D. Cal. May 14, 2009) (internal
24 citation omitted).

25 **II. Analysis**

26 Plaintiff challenges discovery responses from each of the three defendants.

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1 **A. Responses from Defendant Holland**

2 1. Interrogatories, Set 2, #2 – “Did any Inmates complain about any aspect of
3 Guard One Safety/Security Checks? If yes, please explain.¹”

4 Response: Holland objected on the grounds of overbreadth and relevance. She further
5 objected to the extent responsive information may be contained in privileged personnel files or
6 sought private information about other inmates. Holland then responded that she was aware of
7 complaints made by plaintiff in July and August 2014. (ECF No. 77-2 at 7-8.)

8 Plaintiff argues that Holland did not fully answer the question. Holland responds that his
9 reference to plaintiff’s July 2014 complaint was an acknowledgment that other inmates had
10 complained. (ECF No. 88 at 3.) Apparently, plaintiff initially tried to file his appeal on behalf of
11 a group of inmates. Holland then objects that the question was overbroad because it asked about
12 “any” complaint, not just those involving sleep deprivation, and even if limited to sleep
13 deprivation, plaintiff’s question would require Holland to go through hundreds of inmate
14 complaints to attempt to locate the relevant ones.

15 The court recognizes that plaintiff’s interrogatory is inartfully stated. He asks whether
16 “any inmates” complained. He did not ask Holland to provide specific information about each
17 complaint. However, it is clear from this interrogatory, and from plaintiff’s requests for
18 production of documents, that he was seeking more specific information regarding the number of
19 complaints about the Guard One system. As stated in the court’s February 27, 2018 order,
20 complaints by other inmates about sleep deprivation due to the Guard One system may be
21 relevant to plaintiff’s claim. (ECF No. 86 at 5.) They could show defendants’ notice of the
22 problem and support plaintiff’s assertion that use of the Guard One system was so noisy that it
23 deprived him of sleep. While the court previously stated that information showing the number of
24 complaints and the dates they were filed would be sufficient, upon reflection, the court finds that
25 plaintiff also requires copies of the complaints and documents regarding their review at each level

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28 ¹ Plaintiff’s discovery requests and defendants’ responses can be found in an attachment to
defendants’ opposition to plaintiff’s original motion to compel. (See ECF No. 77-2.)

1 in order for plaintiff to determine which complaints these defendants were, or should have been,
2 aware of.

3 The court also recognizes that requiring defendants to search through a large number of
4 complaints to determine which complaints address this subject matter would be burdensome.
5 However, the defendants' simple statement that determining which complaints alleged sleep
6 deprivation due to the Guard One system would require going through "hundreds" of complaints
7 is vague. It is not clear if defendants would be required to review 200 complaints or 1200
8 complaints. A party must make a reasonable inquiry to determine whether responsive documents
9 exist, and if they do not, the "party should so state with sufficient specificity to allow the Court to
10 determine whether the party made a reasonable inquiry and exercised due diligence." Marti v.
11 Baires, No. 1:08-cv-0653-AWI-SKO PC, 2012 WL 2029720, at *19–20 (E.D. Cal. June 5, 2012)
12 (citing Uribe v. McKesson, No. 08cv1285 DMS (NLS), 2010 WL 892093, at *1 (E.D. Cal. Mar.
13 9, 2010)). Defendants do not appear to have made a reasonable inquiry. It is also not clear from
14 defendants' brief response how the complaints are maintained by the prison. The court assumes
15 they are organized by date.

16 The court will not require Holland to respond to this interrogatory. Rather, the court will
17 require defendants to respond to plaintiff's requests for production, identified below, to provide
18 copies of all inmate complaints regarding sleep deprivation due to the Guard One system, which
19 the court construes to include the documents reflecting review at each level, for a six-month
20 period from July 1, 2014 through December 31, 2014. Defendants may redact the names of the
21 inmates who submitted the complaints, but must retain the substance of the complaint and the
22 identification of the prison officials who reviewed them at each level.

23 2. Interrogatories, Set 2, ##10-12, 16 – Holland's remaining interrogatory
24 responses challenged by plaintiff are identical. Holland objected because the interrogatories
25 exceeded the limit of 25 interrogatories set out in the Discovery and Scheduling Order. These
26 interrogatories asked the following:

27 #10 - "Have you ever been written up via 602, citizen complaints, sued for
28 violating the title 15, state law, federal law for similar complaints as the

1 Plaintiff's claims of sleep deprivation caused by Guard One Safety/Security
2 Checks? If yes, please explain."

3 #11 – "In July 2014 did you ever inquire or interview any Correctional
4 Officers, Nurses, Mental Health Staff, or Inmates regarding any complaints
5 due to the implementation of Guard One Safety/Security Checks? If yes,
6 please explain and what conclusions did you reach?"

7 #12 – "Can you state the names or otherwise identify Correctional Officers,
8 Nurses, Mental Health Staff, and Inmates who worked in, lived in A-yard 5
9 Building in the month of July 2014?"

10 #16 – "Can you track, locate, and provide information for inmate witnesses
11 whom were housed at Tehachapi State Prison, A-yard 5-Building in the month
12 of July 2014? The following are the names of some witnesses whom were
13 housed in A-5 and can you provide there CDCR #s and current location?

14 Inmates: Tom Brown, Jansen Guilliery or Guillroy, Rivera, Bernal, these are
15 just a few of the hundreds of possible witnesses."

16 In his motion, plaintiff ignores the fact that he exceeded the number of interrogatories
17 permitted and simply argues that Holland withheld relevant information. Plaintiff never
18 requested permission to propound additional interrogatories, despite being told he had exceeded
19 the permitted amount.

20 While the court is mindful to "liberally construe the inartful pleading of pro se litigants,"
21 Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992), and "to ensure that pro se litigants do
22 not lose their right to a hearing on the merits of their claim due to ignorance of technical
23 procedural requirements," Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1988),
24 "pro se litigants must follow the same rules of procedure that govern other litigants," King v.
25 Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); accord Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir.
26 1995). There is not a double set of rules—one set for represented parties, and one set for pro se
27 litigants. Moreover, "all litigants, including pro ses, have an obligation to comply with court
28 orders." McDonald v. Head Criminal Court Supervisor Officer, 850 F.2d 121, 124 (2d Cir. 1988).

1 The court's Discovery and Scheduling Order was clear. Plaintiff was informed that each
2 party was limited to "25 interrogatories" and "25 requests to produce." (ECF No. 62 at 1.) If
3 plaintiff wished to be excused from that court-ordered requirement, he had to seek permission
4 from the court. He has not done so. Therefore, the court must deny plaintiff's motion to compel
5 responses to interrogatories and requests for production that exceeded the limit of 25.

6 3. Requests for Production, Set 2, #1 – "If need be, redacted of confidential
7 information, copies of relevant log books from A-yard/5-Building for the
8 months of July 2014 to July 2015. Log books such as incident logs, lock-down
9 logs, logs that reflect whom was on duty 1st, 2nd and 3rd watch."

10 Response: In her original response, defendant Holland objected to this request on the
11 grounds that it was ambiguous, unduly burdensome, sought confidential information, and sought
12 irrelevant information. (ECF No. 77-2 at 33.) She provided no documents. After plaintiff agreed
13 to narrow the request to a month of logs, defendant Holland produced Guard One logs showing
14 Guard One checks for A-yard/5-Building for the period of June 14, 2014 through August 4, 2014.
15 (See ECF No. 88 at 4; Thorn Decl. (ECF No. 88-1).) Defendant submitted those logs after
16 plaintiff had filed his pending motion to compel. Plaintiff has not notified the court that this
17 submission is inadequate and, therefore, the court will accept that plaintiff has received an
18 appropriate response to this request for production and his motion to compel a response is moot.

19 4. Requests for Production, Set 2, #3 – "If need be, redacted copies of any and all
20 complaints made relating to the implementation of Guard One Safety/Security
21 Checks."

22 Response: Holland objected to this request on the grounds that is was ambiguous, overly
23 broad, unduly burdensome, and may seek confidential information. Holland provided no
24 documents in response to this request.

25 Plaintiff argues that the request seeks relevant evidence about who knew what and when.
26 (ECF No. 87 at 7.) Holland states that the request contains no limitations on time, the nature of
27 the complaints, or who authored the complaints. As described above, the court will order
28 defendant Holland to respond to this request by providing copies of all inmate complaints

1 regarding sleep deprivation due to the Guard One system, which the court construes to include the
2 documents reflecting review at each level, for a six-month period from July 1, 2014 through
3 December 31, 2014. Defendants may redact the names of the inmates who submitted the
4 complaints, but must retain the substance of the complaint and the identification of the prison
5 officials who reviewed them at each level.

6 5. Requests for Production, Set 2, #4 – “Names, CDCR numbers, address, any
7 relevant information of potential witnesses to the claims made by the plaintiff.
8 The names of Correctional Officers, Nurses, Mental Health Staff, Inmates
9 whom were housed at A-yard/5-Building in the month of July 2014. The
10 following are just some inmate witnesses: Tom Brown, Jansen Guilliery or
11 Guillroy, Rievera, Bernal, Gutierrez Ronald Edward CDCR #V-11133, please
12 provide CDCR # and known addresses for the above inmate witnesses.”

13 Response: Defendant Holland objected to this request as ambiguous, overly broad,
14 unduly burdensome, and seeking confidential information. In addition, Holland stated that she
15 “does not have documents responsive to this request.”

16 Plaintiff argues that he requires documents identifying witnesses. He states that when he
17 verbally complained to correctional officers and nurses about the sleep deprivation, he was told
18 that the “issues were known by supervisors” and plaintiff should submit a 602 grievance. (ECF
19 No. 87 at 7-8.) Plaintiff states that he will be unable to subpoena witnesses without access to this
20 identifying information. Defendant argues that she does not have an obligation to assist plaintiff
21 in contacting these individuals or to assist plaintiff in a “fishing expedition” for witnesses.

22 While the court agrees that defendant is not required to identify any “potential witnesses”
23 for plaintiff, the court finds that plaintiff does not appear to have contact information for inmate
24 witnesses. This is information that defendant Holland should be able to provide easily. The court
25 finds that liberally construing plaintiff’s request as an interrogatory, rather than as a request for
26 documents, defendant Holland should provide the contact information for the five inmate
27 witnesses identified by plaintiff. In all other respects, plaintiff’s motion to compel responses to
28 request #4 will be denied as overbroad and seeking irrelevant evidence.

1 6. Requests for Production, Set 2, #5 – “If need be, redacted work records of all
2 Defendants,”

3 Response: Defendant Holland objects to this request as ambiguous, overly broad as to
4 time and subject matter, unduly burdensome, seeks irrelevant information, and seeks confidential
5 information. Holland produced no documents in response to this request.

6 Plaintiff argues that he should be permitted access to defendants’ work records to
7 challenge their credibility at trial by showing that they were subject to prior complaints.
8 However, plaintiff’s request is not limited to prior complaints, and even then is not limited to
9 prior complaints regarding Guard One. The court can discern no relevance to complaints on other
10 grounds. The court finds it reasonable to limit this request to any documents reflecting
11 complaints regarding sleep deprivation as a result of each defendant’s involvement in the Guard
12 One system that are found in their personnel files. To the extent 602 grievances were filed that
13 identify these defendants, those documents are covered by the court’s requirement that Holland
14 respond to request for production #3, as limited by the court.

15 **B. Responses from Defendant Ybarra**

16 1. Interrogatories, Set 2 – Ybarra objected to all interrogatories in this set,
17 except the first one, on the grounds that they exceeded the 25 interrogatory limit set out in the
18 court’s Discovery and Scheduling Order. The interrogatories propounded to Ybarra which are the
19 subject of plaintiff’s motion to compel are:

20 #2 - “Did any inmates complain about any aspect of Guard One
21 Safety/Security Checks? If yes, please explain.”

22 #4 – “Did any Mental Health Staff complain about any aspect of Guard One
23 Safety/Security Checks? If yes, please explain.”

24 #8 – “From the start of Guard One Safety/Security Checks in July 2014 to
25 about July 2015 did you write or produce any memorandums or instructions on
26 how to implement Guard One Safety/Security Checks? If yes, please explain
27 and describe said memos, written instructions, verbal instructions.”

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1 #10 - "Have you ever been written up via 602, citizen complaint, sued for
2 violating the title 15, state law, Federal law for similar complaints as the
3 Plaintiff's claims of sleep deprivation caused by Guard One Safety/Security
4 Checks? If yes, please explain."

5 #11 - "In July 2014 did you ever inquire or interview any Correctional
6 Officers, Nurses, Mental Health Staff, or Inmates regarding any complaints
7 due to the implementation of Guard One Safety/Security Checks? If yes,
8 please explain and what conclusions did you reach?"

9 #13 - "Did you convey to your superiors any complaints made b[y]
10 Correctional Officers, Nurses, Mental Health Staff, or Inmates about Sleep
11 deprivation caused by Guard One Safety/Security Checks? If yes, please
12 explain."

13 #14 - "What were your actions, orders after the Plaintiffs 602 to address sleep
14 deprivation caused by Guard One Safety/Security Checks?"

15 For the reasons described above, the court must deny plaintiff's motion to compel
16 responses to these interrogatories because he failed to seek, or show a basis for, exceeding the 25
17 interrogatory limit set by the court.

18 2. Requests for Production, Set 2, #1 - "If need be, redacted of confidential
19 information, copies of relevant log books from A-yard/5-Building for the
20 months of July 2014 to July 2015. Log books such as incident logs, logs that
21 reflect whom was on duty 1st, 2nd and 3rd watch."

22 Response: Defendant Ybarra objected to this request on the grounds that it is ambiguous,
23 overly broad, unduly burdensome, and seeks privileged and/or confidential information. He
24 produced no responsive documents. However, as described above, defendant Holland provided
25 plaintiff with Guard One log books for a two-month period. Accordingly, and for the reasons set
26 forth previously, plaintiff's motion to compel a response to this request is moot.

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1 **C. Responses from Defendant Gutierrez**

2 1. Interrogatories, Set 2 – Gutierrez objected to all interrogatories in this set,
3 except the first seven, on the grounds that they exceeded the 25-interrogatory limit set out in the
4 court’s Discovery and Scheduling Order. The interrogatories which are the subject of plaintiff’s
5 motion to compel are:

6 #8 - “From the start of Guard One Safety/Security Checks in July 2014 to
7 about July 2015 did you write or produce any memorandums or instructions on
8 how to implement Guard One Safety/Security Checks? If yes, please explain
9 and describe said memos, written instructions, verbal instructions.”

10 #14 – “In the month of July 2014 did Sgt. Ybarra ever convey to you that the
11 Plaintiff complained of sleep deprivation caused by Guard One Safety/Security
12 Checks? If yes, please explain.

13 #16 – “After the Plaintiffs 602 appeal did you address the sleep deprivation
14 caused by your orders to implement Guard One Safety/Security Checks?
15 Please explain.”

16 For the reasons described above, the court must deny plaintiff’s motion to compel
17 responses to these interrogatories because he failed to seek, or show a basis for, exceeding the 25
18 interrogatory limit set by the court.

19 2. Requests for Production, Set 2, #3 – “If need be, redacted copies of any and all
20 complaints made relating to the implementation of Guard One Safety/Security
21 Checks.”

22 Response: Defendant Gutierrez objected to this request on the grounds that it is
23 ambiguous, overly broad, unduly burdensome as to the term “complaints,” seeks irrelevant
24 information, and seeks privileged and/or confidential information. Gutierrez produced no
25 documents in response to this request.

26 Defendant argues that the request is overbroad because it is not limited in time, by the
27 nature of the complaints, or by the type of person making the complaints. (ECF No. 88 at 6.)
28 Defendant states that responses to the request would likely “only prove that Plaintiff complained

1 that the Guard One welfare checks were causing him to lose sleep. The record is clear that he
2 made such complaints.” (Id.) However, defendant ignores the fact that other inmates may well
3 have complained as well. Plaintiff is entitled to that information to show when, and to what
4 extent, defendants were aware that the Guard One system was causing sleep problems for
5 inmates.

6 As explained above, defendants will be required to provide documents responsive to this
7 request, as limited by the court.

8 3. Requests for Production, Set 2, #6 – “If need be, redacted written complaints
9 made against all Defendants such as 602, citizen complaints, internal affairs
10 complaints or investigations, citations of existing, past, present, lawsuits
11 against Defendants, written reprimands.”

12 Response: Defendant Gutierrez responded to this request by objecting on the grounds that
13 it is ambiguous, overly broad, unduly burdensome, seeks irrelevant information, and seeks
14 privileged and/or confidential information. Gutierrez produced no documents in response to this
15 request.

16 As explained above, defendants will be required to provide copies of any complaints from
17 their personnel files regarding sleep deprivation due to the Guard One system.

18 **III. Conclusion**

19 For the reasons set forth above, the court finds plaintiff’s motion to compel should be
20 granted to require defendants to provide copies of all inmate complaints regarding sleep
21 deprivation due to the Guard One system, which the court construes to include the documents
22 reflecting review at each level, for a six-month period from July 1, 2014 through December 31,
23 2014. In addition, defendants shall provide CDCR numbers and known addresses for inmates
24 identified by plaintiff as witnesses and shall provide documents from their personnel files
25 reflecting complaints about sleep deprivation due to the Guard One system.

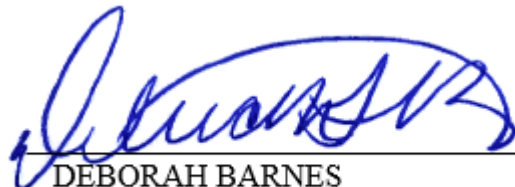
26 Accordingly, and good cause appearing, IT IS HEREBY ORDERED that plaintiff’s
27 motion to compel (ECF No. 87) is granted in part and denied in part, as follows:

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- 1 1. Plaintiff's motion to compel defendants Holland and Gutierrez to respond to request
2 #3 of the Requests for Production, Set 2, is granted in part. These defendants shall
3 provide copies of all inmate complaints regarding sleep deprivation due to the Guard
4 One system, which the court construes to include the documents reflecting review at
5 each level, for a six-month period from July 1, 2014 through December 31, 2014.
6 Defendants may redact the names of the inmates who submitted the complaints, but
7 must retain the substance of the complaint and the identification of the prison officials
8 who reviewed them at each level
- 9 2. Plaintiff's motion to compel defendant Holland to respond to request #4 of Requests
10 for Production, Set 2, is granted in part. Holland shall provide the CDCR numbers
11 and known current addresses for inmates: Tom Brown, Jansen Guilliere or Guillroy,
12 Rievera, Bernal, Gutierrez Ronald Edward CDCR #V-11133.
- 13 3. Plaintiff's motion to compel defendant Holland to respond to request #5 and defendant
14 Gutierrez to respond to request #6 of the Requests for Production, Set 2, is granted in
15 part. These defendants shall provide copies of any complaints found in any
16 defendant's personnel file regarding sleep deprivation as a result of any defendant's
17 involvement in the Guard One system.
- 18 4. Plaintiff's motion to compel defendants Holland and Ybarra to respond to request #1
19 of Requests for Production, Set 2, is denied as moot.
- 20 5. Plaintiff's motion to compel is denied in all other respects.

21 Dated: May 31, 2018

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE