

1 involving the Court in a discovery dispute. Fed. R. Civ. P. 26(a)(1); Fed. R. Civ. P. 26(c); Fed. R. Civ.
2 P. 37(a)(1); Local Rules 240, 251; ECF No. 27, Discovery and Scheduling Order, ¶4. Further, where
3 otherwise discoverable information would pose a threat to the safety and security of the prison or
4 infringe upon a protected privacy interest, a need may arise for the Court to balance interests in
5 determining whether disclosure should occur. See Fed. R. Civ. P. 26(c); Seattle Times Co. v.
6 Rhinehart, 467 U.S. 20, 35 n.21 (1984) (privacy rights or interests implicit in broad purpose and
7 language of Rule 26(c)); Burlington N. & Santa Fe Ry. Co. v. United States Dist. Court for the Dist. of
8 Montana, 408 F.3d 1142, 1149 (9th Cir. 2005) (discussing assertion of privilege); Soto v. City of
9 Concord, 162 F.R.D. 603, 616 (N.D. Cal. 1995) (recognizing a constitutionally-based right of privacy
10 that can be raised in discovery); see also Garcia v. Clark, No. 1:10-CV-00447-LJO-DLB PC, 2012
11 WL 1232315, at *6 n.5 (E.D. Cal. Apr. 12, 2012) (noting inmate’s entitlement to inspect discoverable
12 information may be accommodated in ways which mitigate institutional safety concerns); Robinson v.
13 Adams, No. 1:08-cv-01380-AWI-BAM PC, 2012 WL 912746, at *2-3 (E.D. Cal. Mar. 16, 2012)
14 (issuing protective order regarding documents containing information which implicated the safety and
15 security of the prison); Orr v. Hernandez, No. CV-08-0472-JLQ, 2012 WL 761355, at *1-2 (E.D. Cal.
16 Mar. 7, 2012) (addressing requests for protective order and for redaction of information asserted to
17 risk jeopardizing safety and security of inmates or the institution if released); Womack v. Virga, No.
18 CIV S-11-1030 MCE EFB P, 2011 WL 6703958, at *5-6 (E.D. Cal. Dec. 21, 2011) (requiring
19 defendants to submit withheld documents for in camera review or move for a protective order).

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

1 Generally, if the responding party objects to a discovery request, the party moving to compel
2 bears the burden of demonstrating why the objections are not justified. Grabek v. Dickinson, No. CIV
3 S-10-2892 GGH P, 2012 WL 113799, at *1 (E.D. Cal. Jan. 13, 2012); Womack, 2011 WL 6703958, at
4 *3; Mitchell v. Felker, No. CV 08-119RAJ, 2010 WL 3835765, at *2 (E.D. Cal. Sep. 29, 2010); Ellis
5 v. Cambra, No. 1:02-cv-05646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008).
6 This requires the moving party to inform the Court which discovery requests are the subject of the
7 motion to compel, and, for each disputed response, why the information sought is relevant and why
8 the responding party's objections are not meritorious. Grabek, 2012 WL 113799, at *1; Womack,
9 2011 WL 6703958, at *3; Mitchell, 2010 WL 3835765, at *2; Ellis, 2008 WL 860523, at *4.

10 II.

11 DISCUSSION

12 This action is proceeding against Defendant Dr. Sundaram for deliberate indifference to a
13 serious medical need in violation of the Eighth Amendment.

14 A. Motion To Compel

15 On or about July 20, 2016, Plaintiff served on Defendant several written discovery requests,
16 including interrogatories, requests for admissions, and requests for production of documents.
17 (Declaration of Joseph R. Wheeler ("Wheeler Decl.") ¶¶ 2-6, ECF No. 32-1.) The discovery requests
18 were all served by mail. (Wheeler Decl. at Exs. A, B & C.) Accordingly, Defendant's deadline to
19 respond to the requests was September 6, 2016.¹

20 Defendant served his responses to Plaintiff's interrogatories, requests for admission, and
21 requests for production on September 1, 2016. (Id. at Exs. D, E & F.) Thus, Defendant timely
22 responded to all three of Plaintiff's written discovery requests. (Wheeler Decl. ¶¶ 7-11.)

23 In his second motion to compel, Plaintiff acknowledges the responses provided by Defendant,
24 but fails to demonstrate how such responses and/or objections are improper. Plaintiff merely contends
25 that Defendant failed to respond to any of his requests. Plaintiff has not addressed Defendant's

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27 ¹ Pursuant to the discovery and scheduling order, the parties were provided forty-five days to respond to discovery
28 requests. (ECF No. 27.) Forty-five days from July 20, 2016, was September 3, 2016. However, because the requests were
served by mail, Defendant's deadline to serve responses was extended an additional three days to September 6, 2016. See
Fed. R. Civ. P. 6(d).

1 responses, much less demonstrated that any objections are improper and any information sought is
2 relevant to the instant action. If Defendant objects to Plaintiff's discovery requests and Plaintiff's
3 believes it is unjustified, it is Plaintiff's burden in his motion to compel to demonstrate why the
4 objections are not justified. See Glass v. Beer, No. 1:04-cv-05466-OWW-SMS, 2007 WL 913876, at
5 *1 (E.D. Cal. Mar. 23, 2007). Plaintiff must inform the Court specifically which discovery requests
6 are at issue in his motion to compel, and for each disputed response, inform the Court why the
7 information sought is relevant and why Defendant's objections are not justified. See also Hallet v.
8 Morgan, 296 F.3d 732, 751 (9th Cir. 2002). Accordingly, in the absence of any argument from
9 Plaintiff, the Court cannot require Defendant to produce a further response and/or documents to
10 Plaintiff's discovery requests.

11 **B. Requests for Reasonable Expenses**

12 Plaintiff seeks \$6.35 and \$7.40, respectively, in expenses incurred his filing the instant motions
13 to compel.

14 If a motion to compel discovery is granted, "the court must, after giving an opportunity to be
15 heard, require the party ... whose conduct necessitated the motion ... to pay the movant's reasonable
16 expenses incurred in making the motion, including attorney's fees." Fed. R. Civ. P. 37(a)(5).
17 Plaintiff's pro se status does not insulate him from sanctions for failure to respond to discovery. See
18 Warren v. Guelker, 29 F.3d 1386, 1390 (9th Cir. 1994) (a court cannot decline to impose sanctions
19 simply because a plaintiff is proceeding pro se); Sanchez v. Rodriguez, 298 F.R.D. 460, 470 (C.D.
20 Cal. 2014) (pro se status "does not excuse intentional noncompliance with discovery rules.").

21 Contrary to Plaintiff's claim, Defendant timely responded to Plaintiff's discovery requests, and
22 there is no basis to award Plaintiff's \$10,000 in expenses. Accordingly, because Plaintiff's motions to
23 compel are denied in their entirety, Plaintiff's requests for expenses incurred in filing the instant
24 motions to compel are DENIED.

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III.
ORDER

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's motions to compel, filed September 14, 2016 and September 22, 2016, are DENIED; and
2. Plaintiff's requests for reasonable expenses incurred in filing the motions to compel are DENIED.

IT IS SO ORDERED.

Dated: October 5, 2016


UNITED STATES MAGISTRATE JUDGE