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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,
Plaintiff,
v.
PODSAKOFF, et al.,
Defendants.

1:15-cv-00924-DAD-SKO (PC)

**ORDER DENYING PLAINTIFF’S
MOTION FOR COPIES AND TO LIMIT
DISCOVERY TO FIVE YEARS**

(Doc. 44)

Plaintiff, Michael Gonzales, is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 1, 2017, Plaintiff filed a motion requesting copies of all documents Defendants obtain from his CDCR files and that disclosure of any such documents be limited to “within 5 years.” (Doc. 44.) Plaintiff attached a letter in which defense counsel indicates a request will be made for documents from Plaintiff’s central file under section 3370(e) of Title 15 of the California Code of Regulations. (*Id.*, at p. 2.)

Documents in Plaintiff’s central file are equally available to Plaintiff, and Defendants need not produce to Plaintiff a copy of documents they receive in response to their request. Further, parties are entitled to seek discovery of any non-privileged matter that is relevant to any claim and/or defense in the action. Fed. R. Civ. P. 26(b)(1). The discovery sought may include information that is not admissible so long as it appears reasonably calculated to lead to the discovery of admissible evidence. *Id.* This defines the scope of discovery in federal civil litigation in general. Thus, while documents exceeding five years prior to the incidents in

1 question in this action may not be admissible at trial, Defendants are nonetheless entitled to
2 obtain such documents as part of discovery.

3 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for copies and to limit
4 documents to "within five years," filed on June 1, 2017, (Doc. 44), is DENIED.

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6 IT IS SO ORDERED.

7 Dated: September 22, 2017

/s/ Sheila K. Olerto
UNITED STATES MAGISTRATE JUDGE

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