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6 **UNITED STATES DISTRICT COURT**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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9 MICHAEL GONZALES,

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

10 Plaintiff,

11 v.

12 PODSAKOFF, et al.,

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

13 Defendants.

14  
(Doc. 44)

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

22 Documents in Plaintiff’s central file are equally available to Plaintiff, and Defendants  
23 need not produce to Plaintiff a copy of documents they receive in response to their request.  
24 Further, parties are entitled to seek discovery of any non-privileged matter that is relevant to any  
25 claim and/or defense in the action. Fed. R. Civ. P. 26(b)(1). The discovery sought may include  
26 information that is not admissible so long as it appears reasonably calculated to lead to the  
27 discovery of admissible evidence. *Id.* This defines the scope of discovery in federal civil  
28 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.

5 IT IS SO ORDERED.  
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7 Dated: September 22, 2017

/s/ *Sheila K. Oberlo*  
8 UNITED STATES MAGISTRATE JUDGE

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