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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN CAPUTO,

Plaintiff,

v.

GONZALES, et al.,

Defendants.

Case No. 1:15-cv-01008-LJO-EPG (PC)

ORDER DENYING PLAINTIFF'S
REQUEST FOR MORE LEGIBLE COPIES
AND MOTION FOR SANCTIONS

(ECF NOS. 120 & 121)

Brian Caputo ("Plaintiff") is a prisoner¹ proceeding pro se and in forma pauperis in this this civil rights action filed pursuant to 42 U.S.C. § 1983.

On October 1, 2018, Plaintiff filed a motion to compel discovery (ECF No. 120) and a request for sanctions (ECF No. 121). On October 23, 2018, Defendants filed a response. (ECF No. 124). On November 13, 2018, Defendants file a supplemental response. (ECF No. 130). While the Court was going to hold a hearing on Plaintiff's motions, Plaintiff did not appear at the hearing and the hearing was not held. (ECF No. 127).

On November 14, 2018, the Court denied Plaintiff's motion to compel, but stated that it would rule on Plaintiff's request for more legible copies of certain documents and his motion for sanctions after reviewing Defendants' supplemental response. (ECF No. 131).

¹ Plaintiff was detained at Kern County Jail at the time of the incidents alleged in the complaint. He is now incarcerated at USP Yazoo City.

1 As Defendants have filed their supplemental response, Plaintiff's request for more
2 legible copies and his motion for sanctions are now before the Court.

3 Plaintiff alleges that Defendants' initial disclosures were incomplete, and that some of
4 the documents were illegible. (ECF No. 121). Plaintiff asks that Defendants be sanctioned for
5 providing incomplete initial disclosures and illegible documents. (Id. at 2-3). Plaintiff also
6 requested more legible copies of the illegible documents. (ECF No. 120, p. 4).

7 Defendants have stated that they served Plaintiff with a complete copy of their initial
8 disclosures. (ECF No. 124, pgs. 1-3). While Plaintiff alleges that the initial disclosures are
9 incomplete, he has provided no evidence of this. He has provided evidence that certain copies
10 of documents he received are illegible, but he provided no evidence that Defendants
11 intentionally provided him with illegible copies. And, Defendants have now provided Plaintiff
12 with more legible copies of those documents, as well as an explanation as to why the
13 documents they provided were illegible. (ECF No. 130-1, pgs. 2-4; ECF No. 130, pgs. 1-2).

14 As it appears that Defendants have now provided Plaintiff with more legible copies of
15 the documents Plaintiff requested, Plaintiff's request for more legible copies will be denied as
16 moot.

17 As to Plaintiff's motion for sanctions, given the above, and that Plaintiff did not even
18 allege that he attempted to get the missing documents and the illegible documents from
19 Defendants before filing his motion for sanctions, Plaintiff's motion for sanctions will be
20 denied.

21 Accordingly, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff's request for more legible copies is DENIED as moot; and
- 23 2. Plaintiff's motion for sanctions is DENIED.

24 IT IS SO ORDERED.

25 Dated: November 14, 2018

26 /s/ Eric P. Grosjean
27 UNITED STATES MAGISTRATE JUDGE
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