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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 MARIO MOLINA,
11 Plaintiff,
12 v.
13 K. HOLLAND, et al.,
14 Defendants.

Case No. 1:15-cv-01260-DAD-EPG (PC)
ORDER FOLLOWING STATUS
CONFERENCE

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16 Mario Molina (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
17 with this civil rights action filed pursuant to 42 U.S.C. § 1983. On May 11, 2018, the Court
18 held a status conference (“Conference”). Plaintiff personally appeared on his own behalf.
19 Counsel Cassandra Shryock and Marisa Kirschenbauer personally appeared on behalf of
20 Defendants. Plaintiff was assisted by the interpreter in the Spanish language, Rebecca
21 Rubenstein.

22 At the conference, the Court discussed the challenges posed by the fact that Plaintiff is a
23 Spanish speaker and does not speak, read or write in English. Because of this, the Court will
24 set an early settlement conference with limited discovery to ensure that the parties have the
25 necessary information to have a meaningful settlement conference.¹ If the case does not reach
26 resolution at the settlement conference, the Court will set a schedule for the reaming case, with
27 additional discovery, after the settlement conference.

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¹ The settlement conference will be set in a separate order.

1 Therefore, in an effort to secure the just, speedy, and inexpensive disposition of this
2 action,² and after consideration of Federal Rule of Civil Procedure 26(b)(1),³ and based on
3 input from the parties at the status conference, IT IS ORDERED⁴ that:

- 4 1. Defendants may take Plaintiff's deposition;
- 5 2. Defendants have until June 12, 2018, to provide Plaintiff with the Classification
6 Committee Chronos related to Plaintiff's placement in Administrative Segregation
7 during the time period relevant to the complaint; and
- 8 3. Defendants shall conduct an investigation into whether there were any
9 investigations into the allegations listed in the complaint, including the alleged staff
10 incident and any investigations during the administrative segregation that followed.
11 By June 26, 2018, Defendants shall inform Plaintiff by letter whether there were any
12 such investigations and, if so, the general topic of the investigation. If there were no
13 investigations conducted on these allegations, Defendants shall state that fact.
- 14 4. Also by June 26, 2018, to the extent that any documents or other evidence

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16 ² See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the
17 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There
18 is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to
19 enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are
20 identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are
21 adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

22 ³ Federal Rule of Civil Procedure 26 provides that “[p]arties may obtain discovery regarding any
23 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case,
24 considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative
25 access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and
26 whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).
27 “Information within this scope of discovery need not be admissible in evidence to be discoverable.” *Ibid*.

28 ⁴ Pursuant to Federal Rule of Civil Procedure 16, “[a]t any pretrial conference, the court may consider
and take appropriate action on the following matters: . . . controlling and scheduling discovery, including orders
affecting disclosures and discovery under Rule 26 and Rules 29 through 37” and “facilitating in other ways the
just, speedy, and inexpensive disposition of the action.” Fed. R. Civ. P. 16(c)(2)(F). See also *Little v. City of
Seattle*, 863 F.2d 681, 685 (9th Cir. 1988) (“The district court has wide discretion in controlling discovery.”).
Federal Rule of Civil Procedure 16 vests the district court with early control over cases “toward a process of
judicial management that embraces the entire pretrial phase, especially motions and discovery.” *In re Arizona*,
528 F.3d 652, 655 (9th Cir. 2008) (affirming district court's requiring that prison officials prepare a *Martinez*
report to give detailed factual information involving a prisoner's suit under 42 U.S.C. § 1983 and stating “district
courts have wide latitude in controlling discovery.”). See also Advisory Committee Notes to 1993 Amendment to
Federal Rules of Civil Procedure regarding Rule 26(a) (“The enumeration in Rule 26(a) of items to be disclosed
does not prevent a court from requiring by order or local rule that the parties disclose additional information
without a discovery request.”).

1 (including photographs, interview notes, videos, reports, etc.) were generated as a
2 part of any such investigation, such documents and other evidence shall either be
3 provided to Plaintiff or submitted to the Court for *in camera* review for asserted
4 privilege.⁵ If Defendants' investigation turns up no such documents, Defendants
5 have until June 26, 2018, to inform Plaintiff that their investigation turned up no
6 such documents.

7 5. Except as provided in this order, discovery is stayed.

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9 IT IS SO ORDERED.

10 Dated: May 11, 2018

11 /s/ Eric P. Gorders
12 UNITED STATES MAGISTRATE JUDGE
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⁵ Defendants may mail the documents to the Court at 2500 Tulare Street, Fresno, CA 93721, Room 1501,
or email them to EPGorders@caed.uscourts.gov.