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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DEVONTE HARRIS,

12 Plaintiff,

13 vs.

14 HUMBERTO GERMAN, et al.,

15 Defendants.
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1:15-cv-01462-DAD-GSA-PC

**ORDER REQUIRING PLAINTIFF TO
RESPOND TO THIS ORDER WITHIN
THIRTY DAYS
(ECF No. 62.)**

17 Plaintiff Devonte Harris is a prisoner proceeding *pro se* and *in forma pauperis* with this
18 civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with the First
19 Amended Complaint filed by Plaintiff on March 14, 2016, against defendants Correctional
20 Officer (C/O) Humberto German, C/O Philip Holguin, and C/O R. Burnitzki (collectively,
21 “Defendants”), for use of excessive force in violation of the Eighth Amendment; and, against
22 defendant C/O Philip Holguin for retaliation in violation of the First Amendment. (ECF No.
23 8.)

24 On January 31, 2019, Plaintiff filed a motion to compel production of documents. (ECF
25 No. 58.) Plaintiff seeks to compel Defendants to produce two videotaped interviews taken on
26 May 16, 2011 and June 13, 2011, for Plaintiff’s inspection. Plaintiff also seeks to review an
27 investigatory report containing a use-of-force critique and qualitative evaluation of Plaintiff’s
28 excessive force allegations against Defendants.

1 On February 14, 2019, Defendants filed an opposition to the motion to compel. (ECF
2 No. 62.) Defendants argue that the official information privilege justifies their withholding of
3 the confidential investigatory report sought by Plaintiff, and disclosure of the report would
4 violate state law and jeopardize the safety and security of the institution, correctional staff, and
5 other inmates. As for the videos which Plaintiff requested to view, Defendants report in their
6 opposition that defense counsel has already made arrangements for Plaintiff to view the videos
7 in question.

8 The court requires updated information to determine whether Plaintiff's request to view
9 the videos in question is now pending or moot. To this end, Plaintiff shall be required to
10 respond to this order within thirty days informing the court whether he has now seen the
11 videos.

12 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that within thirty
13 days from the date of service of this order, Plaintiff is required to file a written response to this
14 order informing the court whether he has seen the videos that were taken on May 16, 2011 and
15 June 13, 2011, causing his request to compel inspection of the videos to be moot.

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17 IT IS SO ORDERED.

18 Dated: August 9, 2019

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE