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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OUSSAMA SAHIBI,  
Plaintiff,  
v.  
BORJAS GONZALES, et al.,  
Defendants.

CASE No. 1:15-cv-01581-LJO-MJS (PC)  
**ORDER SETTING TELEPHONIC  
DISCOVERY DISPUTE CONFERENCE**  
**Telephonic Discovery Dispute  
Conference:** January 13, 2017 at 2:30  
p.m. in Courtroom 6 (MJS)  
**CLERK TO SEND COPY OF THIS ORDER  
TO LITIGATION COORDINATOR AT  
SALINAS VALLEY STATE PRISON**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendants Brandon Cope, Borjas Gonzales, Mario Lozano, Howard Smith, and Stan, and on a Fourteenth Amendment due process claim against Defendant Crouse.

On November 3, 2016, Defendants Cope, Gonzales, Lozano, Smith, and Stan filed a motion to compel, stating that Plaintiff had failed to respond to discovery requests. (ECF No. 63.)

Plaintiff did not file an opposition. However, on November 22, 2016 and November 28, 2016, he filed motions seeking an extension of time to respond to

1 Defendants' discovery requests. (ECF Nos. 67, 68.) Plaintiff stated that the requests  
2 required him to review his medical records and, although he had sought permission to do  
3 so, the opportunity had not been afforded him yet.

4 Plaintiff also sought an extension of time to file a motion to compel, indicating that  
5 Defendants had objected to many of his discovery requests on grounds of confidentiality  
6 and/or privilege. He had attempted to resolve this matter informally but received no  
7 response from defense counsel prior to the November 3, 2016 expiration of the  
8 discovery cut-off.

9 The Court will set these matters for a telephonic discovery dispute conference. **In**  
10 **preparation for the conference, the Court requests the assistance of defense**  
11 **counsel and Plaintiff's Litigation Coordinator in facilitating Plaintiff's expeditious**  
12 **review of his medical records.** A copy of this order will be sent to the Litigation  
13 Coordinator at Plaintiff's institution. The parties also will be ordered to take additional  
14 steps to prepare for the conference, as set out below.

15 Accordingly, it is HEREBY ORDERED that:

- 16 1. This matter is set for a telephonic discovery dispute conference on  
17 January 13, 2017 at 2:30 p.m. in Courtroom 6 (MJS).
- 18 2. Defense counsel shall arrange for Plaintiff's participation in the  
19 conference.
- 20 3. The Parties shall participate by calling (888) 204-5984 and then entering  
21 access code 4446176#.
- 22 4. No later than January 4, 2017, the parties shall meet and confer and  
23 attempt to resolve the dispute with respect to Defendants' discovery  
24 request (ECF No. 63).
- 25 5. No later than January 4, 2017, Plaintiff shall file with the Court and serve  
26 on Defendants a copy of Defendants' discovery responses, indicating  
27 which responses Plaintiff believes are deficient.

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- 6. No later than January 9, 2017, each party shall file and serve a two page brief objectively and factually outlining the dispute, the party's position on it, and the reasons therefore. The two pages shall be in at least twelve point type or nearly handwritten, and include the name of the party and the date of submission. It shall contain nothing more. There shall be no attachments. There shall be no editorializing. Inclusion therein of adjectives or adverbs or any characterization of the opponent's motives, methods, character, past practices, or the like shall subject the author to sanctions. Plaintiff shall mail his statement sufficiently in advance of the deadline to ensure that it arrives at the Court on or before January 9, 2017.
- 7. At the conference, the Court will discuss the issues raised, announce its anticipated ruling on the dispute, and discuss whether either party will be permitted to file further formal motions.

IT IS SO ORDERED.

Dated: December 5, 2016

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE