

1 required him to review his medical records and, although he had sought permission to do
2 so, such opportunity had not been afforded him.

3 The Court set the matter for a telephonic discovery dispute conference. (ECF No.
4 70.) In documents submitted in preparation for the conference, Defendants noted
5 Plaintiff's contention that his only responsive documents are CDCR medical records he
6 has not been allowed to review. On that basis, they asked to withdraw their motion to
7 compel, provided that Plaintiff be prohibited from presenting any evidence outside of the
8 CDCR medical records and not disclosed in the discovery process.

9 On January 13, 2017, the Court held the telephonic discovery dispute conference.
10 (ECF No. 81.) Therein, Defendants agreed to confer with Plaintiff's Litigation Coordinator
11 to attempt to enable Plaintiff's review of his medical file prior to January 20, 2017.
12 Plaintiff was ordered to advise the Court and counsel by January 30, 2017 if he intended
13 to present medical records not contained in his CDCR file. To date, Plaintiff has
14 submitted no such statement of intent.

15 Based on the foregoing, it appears that Plaintiff does not intend to present
16 medical records outside of those contained in his CDCR medical file. Accordingly,
17 Defendants' motion to compel (ECF No. 63) is HEREBY DEEMED WITHDRAW
18 pursuant to Defendants' request.

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20 IT IS SO ORDERED.

21 Dated: February 6, 2017

22 /s/ Michael J. Seng
23 UNITED STATES MAGISTRATE JUDGE
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