

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 JORGE CORENA,

11 Plaintiff,

12 v.

13 RODRIGUEZ, et al.,

14 Defendants.
15

Case No. 1:16-cv-01025-LJO-EPG (PC)

ORDER FOLLOWING INITIAL
SCHEDULING CONFERENCE

(ECF NO. 36)

16 Jorge Corena (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
17 this civil rights action filed pursuant to 42 U.S.C. § 1983. On June 25, 2018, the Court held an
18 Initial Scheduling Conference (“Conference”). Plaintiff telephonically appeared on his own
19 behalf. Counsel Mark Ahn telephonically appeared on behalf of defendant Rodriguez.

20 During the Conference, the Court and the parties discussed relevant documents in this
21 case and their possible locations. In addition to opening discovery generally, the Court ordered
22 that certain documents that are central to the dispute be promptly produced.

23 Therefore, in an effort to secure the just, speedy, and inexpensive disposition of this
24 action,¹ and after consideration of Federal Rule of Civil Procedure 26(b)(1),² IT IS ORDERED³
25

26
27 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the
28 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are

1 that:

- 2 1. Each party has until July 27, 2018, to serve opposing parties with copies of all
3 documents in their possession, custody, or control, related to exhaustion of
4 administrative remedies of the claims in this case. Parties do not need to provide
5 documents they have already provided, or documents provided to them by the
6 opposing party.
- 7 2. No later than July 27, 2018, defendant Rodriguez shall either: 1) provide to Plaintiff
8 copies of the log books from CCI Level 3, Yard C, Housing Unit 2, from July 8,
9 2014, through July 16, 2014; or 2) submit objections to the Court to providing
10 copies of the log books. Defendant Rodriguez may redact the names of all
11 employees in the log books except for those who are parties (or proposed parties) to
12 this case. If defendant Rodriguez chooses to redact the log books, he must make
13 unredacted versions available to Plaintiff to inspect. If no log books are found,
14 defendant Rodriguez shall inform Plaintiff that a search was conducted, and that no
15 log books were found.
- 16 3. No later than July 27, 2018, defendant Rodriguez shall either: 1) provide to Plaintiff

18 identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are
19 adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

20 ² Federal Rule of Civil Procedure 26 provides that “[p]arties may obtain discovery regarding any
21 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case,
22 considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative
23 access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and
24 whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P. 26(b)(1).
25 “Information within this scope of discovery need not be admissible in evidence to be discoverable.” *Ibid*.

26 ³ Pursuant to Federal Rule of Civil Procedure 16, “[a]t any pretrial conference, the court may consider
27 and take appropriate action on the following matters: . . . controlling and scheduling discovery, including orders
28 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 disclosed additional information
without a discovery request.”).

1 all documents from all investigations related to the issues in the complaint; or 2)
2 object to providing the documents; and

- 3 4. No later than July 27, 2018, defendant Rodriguez shall either: 1) provide to Plaintiff
4 the medical ledger from CCI, Level 3 Yard, Medical Building, that includes the
5 dates of July 9, 2014, through July 15, 2014; or 2) submit objections to the Court to
6 to providing the medical ledger. Defendant Rodriguez may redact the names of all
7 employees in the medical ledger except for those who are parties (or proposed
8 parties) to this case. If defendant Rodriguez chooses to redact the medical ledger,
9 he must make an unredacted version available to Plaintiff to inspect. If no medical
10 ledger is found, defendant Rodriguez shall inform Plaintiff that a search was
11 conducted, and that no medical ledger was found.

12 IT IS FURTHER ORDERED that:

- 13 1. Plaintiff's motion for appointment of pro bono counsel is denied without prejudice
14 for the reasons stated on the record;⁴ and
15 2. Plaintiff's motion to continue the scheduling conference is denied as moot.

16 IT IS SO ORDERED.
17

18 Dated: June 27, 2018

18 /s/ Eric P. Gray
19 UNITED STATES MAGISTRATE JUDGE

20
21
22
23
24 ⁴ Plaintiff's motion for appointment of counsel mentions "repeated obstruction of mail." (ECF No. 36, p.
25 2). As Plaintiff's motion is a motion for appointment of pro bono counsel, and as Plaintiff does not provide details
26 regarding the alleged obstruction, the Court will not address this issue at this time. However, if Plaintiff's mail is
being obstructed, and if it is interfering with Plaintiff's prosecution of this case, Plaintiff may file a motion with
the Court regarding the alleged obstruction.

27 Plaintiff also requests to "meet and confer out of court in order to show good faith." (ECF No. 36, p. 3).
28 It is unclear what Plaintiff is asking for. Accordingly, Plaintiff's request to meet and confer is denied without
prejudice to Plaintiff refiling the motion with more detail regarding the relief he is seeking.