

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

8
9 MICHAEL NEIL JACOBSEN,

10 Plaintiff,

11 v.

12 OFFICER CURRAN, et al.,

13 Defendants.
14

Case No. 1:16-cv-1050-LJO-MJS (PC)

**ORDER DENYING, WITHOUT PREJUDICE,
PLAINTIFF'S MOTION TO COMPEL**

(ECF NO. 37)

15
16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil
17 rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's
18 first amended complaint against Defendants Ganiron, Mangulabnan, Garcia, Burnett,
19 Curran, Gonzalez, and Does 2-4, 8, and 11 for inadequate medical care in violation of
20 the Eighth Amendment of the United States Constitution. (ECF Nos. 11, 66, 68.)
21 Defendant Curran and Gonzalez have appeared in the action. The remaining defendants
22 are either unserved or unidentified.

23 Before the Court is Plaintiff's October 27, 2017, motion to compel discovery. (ECF
24 No. 37.) Defendant Curran filed an opposition. (ECF No. 40.) Plaintiff filed no response
25 and the time for doing so has passed. The matter is submitted. Local Rule 230(l).
26
27
28

1 Plaintiff seeks further responses to what are, in effect, interrogatories and
2 requests for production of documents. The requests were served on Defendant Curran.
3 (See ECF No. 40.) It is unclear whether they also were served on Defendant Gonzalez.

4 In his first request, Plaintiff sought his medical records in order to identify Doe
5 Defendants. (ECF No. 37.) Defendant Curran advised Plaintiff that the records are
6 maintained by a contractor, Corizon Health, and are not in Curran's possession, custody,
7 or control. (ECF No. 40.) Plaintiff was advised to seek the records directly from Corizon
8 Health. (Id.) It appears that he did so, as Plaintiff since has identified several of the
9 individuals involved in this action. (ECF No. 66.) Accordingly, the Court will deny as moot
10 the request to compel Curran to produce Plaintiff's medical records. In the event Plaintiff
11 has been unsuccessful in obtaining records from Corizon Health, he may file a motion
12 with the Court requesting the issuance of subpoenas, and detailing his efforts in this
13 regard.

14 Plaintiff's second request sought the identity of personnel working in booking on
15 February 15, 2016. (ECF No. 37.) Defendant Curran provided this information to Plaintiff
16 through supplemental responses served November 16, 2017, after Plaintiff filed his
17 motion to compel. (ECF No. 40.) Accordingly, the motion to compel a further response to
18 this request also will be denied as moot.

19 Based on the foregoing, Plaintiff's motion to compel is HEREBY DENIED as
20 moot. The denial is without prejudice to Plaintiff requesting a subpoena for his medical
21 records in the event he has been unable to obtain them directly through Corizon Health.

22
23 IT IS SO ORDERED.

24 Dated: April 3, 2018

/s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE
26
27
28