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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 TRAYVONE SMITH,

10 Plaintiff,

11 v.

12 EMMANUEL J. FANTONE and JASWANT  
13 KHOKHAR,

14 Defendants.

Case No. 1:16-cv-01179-LJO-EPG (PC)

DISCOVERY ORDER FOLLOWING  
INITIAL SCHEDULING CONFERENCE

15 Trayvone Smith (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma*  
16 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On March 7, 2018, the  
17 Court held an Initial Scheduling Conference (“Conference”). Plaintiff telephonically appeared  
18 on his own behalf. Counsel Adam Young telephonically appeared on behalf of Defendants.

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

22 Therefore, in an effort to secure the just, speedy, and inexpensive disposition of this  
23 action,<sup>1</sup> and after consideration of Federal Rule of Civil Procedure 26(b)(1),<sup>2</sup> IT IS ORDERED<sup>3</sup>  
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26 <sup>1</sup> See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508–09 (9th Cir. 2008) (“We begin with the  
27 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There  
28 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  
identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are  
adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

1 that:

- 2 1. Plaintiff has until April 6, 2018, to serve Defendants with his initial disclosures. As  
3 discussed in the Court’s prior order (ECF No. 30), Plaintiff shall provide Defendants  
4 with “[t]he name and, if known, the address and telephone number of each  
5 individual likely to have discoverable information—along with the subjects of that  
6 information—that [Plaintiff] may use to support [his] claims or defenses, unless the  
7 use would be solely for impeachment.” (Id. at 2). Plaintiff shall also provide  
8 Defendants with a “copy—or a description by category and location—of all  
9 documents, electronically stored information, and tangible things that [Plaintiff] has  
10 in [his] possession, custody, or control and may use to support [his] claims or  
11 defenses, unless the use would be solely for impeachment.” (Id.); and

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

25 <sup>3</sup> Pursuant to Federal Rule of Civil Procedure 16, “[a]t any pretrial conference, the court may consider  
26 and take appropriate action on the following matters: . . . controlling and scheduling discovery, including orders  
27 affecting disclosures and discovery under Rule 26 and Rules 29 through 37” and “facilitating in other ways the  
28 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.”).

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2. Each party has until April 6, 2018, to serve the opposing party with copies of all documents that they have related to the issue of whether Plaintiff exhausted his available administrative remedies as to his allegations in this case, including any grievances Plaintiff filed related to the allegations in this case, as well as any responses Plaintiff received to those grievances.

IT IS SO ORDERED.

Dated: March 16, 2018

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE