

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHANNON RILEY,
Plaintiff,
v.
TALLERICO, et al.,
Defendants.

Case No. 1:16-cv-01189-AWI-EPG (PC)

ORDER FOR PLAINTIFF TO SHOW CAUSE WHY HE SHOULD NOT BE SANCTIONED FOR FAILING TO APPEAR, FAILING TO FILE HIS SCHEDULING CONFERENCE STATEMENT, AND FAILING TO SERVE HIS INITIAL DISCLOSURES ON DEFENDANTS

ORDER REQUIRING PLAINTIFF TO FILE HIS SCHEDULING CONFERENCE STATEMENT AND SERVE DEFENDANTS WITH HIS INITIAL DISCLOSURES

ORDER DENYING PLAINTIFF’S MOTION TO COMPEL (ECF NO. 44)

ORDER FOR CLERK TO SEND PLAINTIFF A COPY OF ORDER REQUIRING INITIAL DISCLOSURES AND SETTING AN INITIAL SCHEDULING CONFERENCE (ECF NO. 33)

Shannon Riley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. The Court attempted to hold an initial scheduling conference on November 15, 2017. Deputy Attorney General Erin Doering and Supervising Deputy Attorney General Michelle Angus telephonically appeared on behalf of Defendants. Plaintiff failed to appear. Plaintiff also failed to file the required scheduling conference statement and did not serve Defendants with his initial disclosures (see ECF No. 33).

The Court has rescheduled the conference to January 8, 2018, at 1:30 p.m. (ECF No. 48). Prior to the conference, Plaintiff will be required to 1) explain why he did not participate in the conference as ordered; 2) file a scheduling conference statement as previously ordered; and 3) serve Defendants with his initial disclosures as previously ordered.

1 Additionally, the Court will deny Plaintiff's motion to compel (ECF No. 44) because
2 discovery has not yet been opened in this case (ECF No. 4, p. 4). However, Defendants will be
3 required to respond to the discovery requests identified in the motion to compel (and attached
4 exhibits) forty-five days after the Court opens discovery; Plaintiff does not need to reserve the
5 discovery.¹

6 Accordingly, based on the foregoing, IT IS ORDERED that:

- 7 1. Plaintiff shall show cause why sanctions (including possible dismissal of this
8 case) should not issue for his failure to attend the initial scheduling conference,
9 his failure to file his scheduling conference statement, and his failure to serve
10 Defendants with his initial disclosures. Plaintiff has until December 15, 2017, to
11 file a written response explaining why he did not attend the conference, why he
12 did not file his scheduling conference statement, and why he did not serve
13 Defendants with his initial disclosures;
- 14 2. Plaintiff has until December 15, 2017, to file his scheduling conference
15 statement and serve Defendants with his initial disclosures;
- 16 3. Plaintiff's motion to compel (ECF No. 44) is DENIED. Defendants have forty-
17 five days from the date discovery is opened to respond to the discovery requests
18 identified in the motion to compel (and attached exhibits); and
- 19 4. The Clerk of Court is directed to send Plaintiff a copy of the order requiring
20 initial disclosures and setting an initial scheduling conference (ECF No. 33).

21 IT IS SO ORDERED.

22
23 Dated: November 16, 2017

24 /s/ Eric P. Gray
25 UNITED STATES MAGISTRATE JUDGE

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27
28 ¹ The Court has not reviewed the substance of the requests and is not making a legal ruling as to
their propriety. The Court is merely requiring Defendants to serve objections and responses as if Plaintiff's
discovery were served on the date the Court opens discovery.