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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DELBERT J. SMITH,
Plaintiff,
v.
C. HERNANDEZ, et al.,
Defendants.

Case No. 1:16-cv-01267-DAD-SAB (PC)
ORDER GRANTING DEFENDANTS'
REQUEST FOR CLARIFICATION OF
COURT ORDER REGARDING
PLAINTIFF'S MOTION FOR SUBPOENA
DUCES TECUM
(ECF No. 39)

Plaintiff Delbert J. Smith is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 26, 2017, the Court issued an order requiring Defendants to produce certain materials that Plaintiff sought in a request for the issuance of a subpoena duces tecum. (ECF No. 38.) Currently before the Court is Defendants' motion seeking clarification of that order. (ECF No. 39.)

The Court's order required Defendants to provide a response to Plaintiff's request 3E: All documents in the personnel files of Defendants Hernandez, Zuniga, and Cramer regarding 602/staff complaints against them for allegations of excessive force on inmates, from 2006 through and including 2016. (ECF No. 38, at p. 2.) Defendants state that they interpret the order to require them to produce documents from Defendants' official personnel files showing disciplinary actions as a result of a 602/staff complaint that alleged excessive force on inmates, from 2006 through and including 2016, to the extent those documents exist. Defendants further state that they interpret the order as not requiring them to produce unsubstantiated complaints

1 against Defendants, as these would not have led to any discipline and therefore such documents
2 would not be maintained in Defendants' personnel files.

3 Defendants' interpretation of the order is correct. Plaintiff sought employee records, and
4 the Court only ordered the production of such records, subject to certain narrowing of the scope
5 of the request. Documents outside of the Defendants' employee records were not sought by
6 Plaintiff, and are not ordered to be produced at this time.

7 Accordingly, Defendants' request for clarification of the Court's order is HERBY
8 GRANTED, as explained above.

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10 IT IS SO ORDERED.

11 Dated: October 6, 2017



UNITED STATES MAGISTRATE JUDGE

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