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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DENNIS CURTIS HISLE,	)	Case No. 1:17-cv-01400-LJO-SAB (PC)
Plaintiff,	)	
v.	)	ORDER ADOPTING FINDINGS AND
MARLYN CONANAN, et al.,	)	RECOMMENDATIONS, GRANTING
Defendants.	)	PLAINTIFF'S MOTION TO AMEND THE
	)	COMPLAINT, AND DIRECTING THE CLERK
	)	OF COURT TO FILE SECOND AMENDED
	)	COMPLAINT LODGED ON MAY 22, 2019
	)	[ECF Nos. 60, 67, 72]
	)	

Plaintiff Dennis Curtis Hisle is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 18, 2019, the Magistrate Judge issued Findings and Recommendations recommending that Plaintiff's motion to extend the discovery deadline construed as a motion to amend the be granted, and the Clerk of Court be directed to file the second amended complaint, lodged on May 22, 2019. (ECF No. 72.) The Findings and Recommendations were served on the parties and contained notice that objections were to be filed within fourteen days. (Id.) Plaintiff filed objections on July 2, 2019.

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1 In his objections, Plaintiff continues to disagree with prior orders and argues that he has been  
2 denied “equitable discovery.” (Pl.’s Obj. at 4, ECF No. 75.) Plaintiff cannot continue to object to  
3 prior orders by way of objections to an unrelated Findings and Recommendations regarding his  
4 request to amend the complaint. Further, as stated in the Court’s June 20, 2019, order denying  
5 Plaintiff’s motion for reconsideration:

6 The Magistrate Judge previously denied Plaintiff’s motion to compel Defendant to produce the  
7 radiologic images in a specific format. (ECF No. 33.) The Court specifically found that  
8 Plaintiff’s request to have the material produced in a specific format was outside of the scope  
9 of discovery under Federal Rule of Civil Procedure 26(b)(1):

10 Lastly, Plaintiff has not demonstrated that the material produced in the format requested is  
11 proportional to the needs of the case. Indeed, as Defendants point out, Plaintiff is not an expert  
12 and is not qualified to interpret the x-ray and CT scan images. Defendant has provided  
13 Plaintiff with the accompanying radiology reports that explain the observations of the  
14 examining radiologist. Plaintiff fails to explain how his personal ability to view these images  
15 is of any greater importance or relevant to his claims than the reports of the non-party  
16 radiologists who interpreted these images during his examination.

17 (Id.)

18 Here, Plaintiff is not an expert, and Defendant has produced Xerox copies of the images and  
19 conclusion of the examining radiologist. Other than Plaintiff’s claim that he wishes to present  
20 these images if and when the case goes to trial, Plaintiff fails to present a valid reason why he  
21 needs to view these images in that specific format. Further, Plaintiff’s unqualified opinion of  
22 what he believes these images may show is insufficient to warrant further disclosure of the  
23 images for which he already has access. Accordingly, Plaintiff’s motion for reconsideration of  
24 the April 30, 2019, order shall be denied.

25 (Order at 3:14-4:2, ECF No. 74.)

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de*  
27 *novo* review of this case. Having carefully reviewed the entire file, including Plaintiff’s objections,  
28 the Court finds the Findings and Recommendations to be supported by the record and by proper  
analysis.

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Based on the foregoing, it is HEREBY ORDERED that:

1. The Findings and Recommendation filed on June 18, 2019, are adopted in full;
2. Plaintiff's motion to amend the complaint is granted;
3. The Clerk of Court shall file the second amended complaint, lodged on May 22, 2019 (ECF No. 67); and
4. The matter is referred back to the Magistrate Judge for initiation of service of process as to Defendant Doctor Mushtaq Ahmed.

IT IS SO ORDERED.

Dated: July 16, 2019

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE