

1 safe working environment. As a result, Plaintiff sustained injuries to his back, neck, and genital areas,
2 requiring ongoing medical treatment, and continued severe pain, suffering and discomfort.

3 Defendant filed an answer on November 13, 2018. (ECF No. 22.)

4 After an unsuccessful settlement conference, the Court issued an amended discovery and
5 scheduling order on September 4, 2019, setting the discovery deadline of March 23, 2020. (ECF No.
6 46.)

7 On March 24, 2020, at Defendant's request, the Court extended the discovery deadline to June
8 23, 2020, and the dispositive motion deadline to September 2, 2020. (ECF No. 55.)

9 On June 19, 2020, again at Defendant's request, the Court extended the discovery deadline to
10 September 23, 2020, and the dispositive motion deadline to December 2, 2020. (ECF No. 65.)

11 As previously stated, on June 16, 2020, Plaintiff filed the instant motion to compel. (ECF No.
12 63.) Defendant filed an opposition on July 8, 2020. Plaintiff did not file a reply and the time to do so
13 has expired. Local Rule 230(l).

14 II.

15 LEGAL STANDARD

16 Plaintiff is proceeding pro se and he is a state prisoner challenging his conditions of
17 confinement. As a result, the parties were relieved of some of the requirements which would
18 otherwise apply, including initial disclosure and the need to meet and confer in good faith prior to
19 involving the Court in a discovery dispute. Fed. R. Civ. P. 26(a)(1); Fed. R. Civ. P. 26(c); Fed. R. Civ.
20 P. 37(a)(1); Local Rules 240, 251; ECF No. 30. Further, where otherwise discoverable information
21 would pose a threat to the safety and security of the prison or infringe upon a protected privacy
22 interest, a need may arise for the Court to balance interests in determining whether disclosure should
23 occur. See Fed. R. Civ. P. 26(c); Seattle Times Co. v. Rhinehart, 467 U.S. 20, 35 n.21 (1984) (privacy
24 rights or interests implicit in broad purpose and language of Rule 26(c)); Burlington N. & Santa Fe
25 Ry. Co. v. United States Dist. Court for the Dist. of Montana, 408 F.3d 1142, 1149 (9th Cir. 2005)
26 (discussing assertion of privilege); Soto v. City of Concord, 162 F.R.D. 603, 616 (N.D. Cal. 1995)
27 (recognizing a constitutionally-based right of privacy that can be raised in discovery); see also Garcia
28 v. Clark, No. 1:10-CV-00447-LJO-DLB PC, 2012 WL 1232315, at *6 n.5 (E.D. Cal. Apr. 12, 2012)

1 (noting inmate’s entitlement to inspect discoverable information may be accommodated in ways which
2 mitigate institutional safety concerns); Robinson v. Adams, No. 1:08-cv-01380-AWI-BAM PC, 2012
3 WL 912746, at *2-3 (E.D. Cal. Mar. 16, 2012) (issuing protective order regarding documents
4 containing information which implicated the safety and security of the prison); Orr v. Hernandez, No.
5 CV-08-0472-JLQ, 2012 WL 761355, at *1-2 (E.D. Cal. Mar. 7, 2012) (addressing requests for
6 protective order and for redaction of information asserted to risk jeopardizing safety and security of
7 inmates or the institution if released); Womack v. Virga, No. CIV S-11-1030 MCE EFB P, 2011 WL
8 6703958, at *5-6 (E.D. Cal. Dec. 21, 2011) (requiring defendants to submit withheld documents for in
9 camera review or move for a protective order).

10 However, this is a civil action to which the Federal Rules of Civil Procedure apply. The
11 discovery process is subject to the overriding limitation of good faith, and callous disregard of
12 discovery responsibilities cannot be condoned. Asea, Inc. v. Southern Pac. Transp. Co., 669 F.2d
13 1242, 1246 (9th Cir. 1981) (quotation marks and citation omitted). “Parties may obtain discovery
14 regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to
15 the needs of the case, considering the importance of the issues at stake in the action, the amount in
16 controversy, the parties’ relative access to relevant information, the parties’ resources, the importance
17 of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery
18 outweighs its likely benefit.” Fed R. Civ. P. 26(b)(1).

19 Generally, if the responding party objects to a discovery request, the party moving to compel
20 bears the burden of demonstrating why the objections are not justified. Grabek v. Dickinson, No. CIV
21 S-10-2892 GGH P, 2012 WL 113799, at *1 (E.D. Cal. Jan. 13, 2012); Womack, 2011 WL 6703958, at
22 *3; Mitchell v. Felker, No. CV 08-119RAJ, 2010 WL 3835765, at *2 (E.D. Cal. Sep. 29, 2010); Ellis
23 v. Cambra, No. 1:02-cv-05646-AWI-SMS PC, 2008 WL 860523, at *4 (E.D. Cal. Mar. 27, 2008).
24 This requires the moving party to inform the Court which discovery requests are the subject of the
25 motion to compel, and, for each disputed response, why the information sought is relevant and why
26 the responding party’s objections are not meritorious. Grabek, 2012 WL 113799, at *1; Womack,
27 2011 WL 6703958, at *3; Mitchell, 2010 WL 3835765, at *2; Ellis, 2008 WL 860523, at *4.

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III.
ORDER

Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion to compel filed on June 16, 2020, is denied as moot.

IT IS SO ORDERED.

Dated: July 20, 2020



UNITED STATES MAGISTRATE JUDGE