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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 RAYMOND H. DENTON,  
10 Plaintiff,  
11 v.  
12 S. BIBBS, et al.,  
13 Defendant(s).  
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Case No. 1:19-cv-00316-DAD-EPG (PC)  
ORDER REQUIRING PARTIES TO  
EXCHANGE DOCUMENTS

15 Raymond Denton (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*  
16 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

17 On September 29, 2021, the Court issued an order requiring the parties to file  
18 scheduling and discovery statements. (ECF No. 45). The parties have now filed their  
19 statements. (ECF Nos. 46 & 47).

20 The Court has reviewed this case and the parties’ statements. In an effort to secure the  
21 just, speedy, and inexpensive disposition of this action,<sup>1</sup> the Court will direct that certain  
22 documents that are central to the dispute be promptly produced.<sup>2</sup>  
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24 <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  
25 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There  
26 is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to  
27 enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are  
adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

28 <sup>2</sup> 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 disclose additional information without a discovery request.”).

1 Accordingly, IT IS ORDERED that:

- 2 1. Each party has sixty days from the date of service of this order to serve opposing  
3 parties, or their counsel, if represented, with copies of the following documents  
4 and/or evidence that they have in their possession, custody, or control, to the  
5 extent the parties have not already done so:<sup>3</sup>
- 6 a. Grievances filed by Plaintiff related to the incident(s) alleged in the  
7 complaint.
  - 8 b. Classification chronos, information chronos, and disciplinary chronos  
9 related to the incident(s) alleged in the complaint.
  - 10 c. All documents regarding the Rules Violation Report(s) associated with  
11 the incident(s) alleged in the complaint, including disciplinary charges  
12 and findings.
  - 13 d. Witness statements and evidence that were generated from  
14 investigation(s) related to the event(s) at issue in the complaint, such as  
15 an investigation stemming from the processing of Plaintiff's  
16 grievance(s).<sup>4</sup>
- 17 2. If any party obtains documents and/or other evidence described above later in  
18 the case from a third party, that party shall provide all other parties with copies  
19 of the documents and/or evidence within thirty days.
- 20 3. Parties do not need to produce documents or evidence that they have already  
21 produced.

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23 <sup>3</sup> Defense counsel is requested to obtain these documents from Plaintiff's institution(s) of confinement. If  
24 defense counsel is unable to do so, defense counsel should inform Plaintiff that a third party subpoena is required.

25 <sup>4</sup> See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) (“[P]roper exhaustion improves the quality of those  
26 prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative  
27 record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance,  
28 witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and  
preserved.”).

The Court notes that Defendants only need to produce documents such as a Confidential Appeal Inquiry  
or a Use of Force Critique to the extent those documents contain witness statements related to the incident(s)  
alleged in the complaint and/or evidence related to the incident(s) alleged in the complaint that will not be  
provided to Plaintiff separately.

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- 4. Parties do not need to produce documents or evidence that were provided to them by the opposing party.
- 5. Parties may object to producing any of the above-listed documents and/or evidence. Objections shall be filed with the Court and served on all other parties within sixty days from the date of service of this order (or within thirty days of receiving additional documents and/or evidence). The objection should include the basis for not providing the documents and/or evidence. If Defendant(s) object based on the official information privilege, Defendant(s) shall follow the procedures described in the Court’s scheduling order. If a party files an objection, all other parties have fourteen days from the date the objection is filed to file a response. If any party files a response to an objection, the Court will issue a ruling on the objection.

IT IS SO ORDERED.

Dated: November 18, 2021

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE