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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 RAFAEL SALAS,

10 Plaintiff,

11 v.

12 C. PFEIFFER, et al.,

13 Defendant(s).
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Case No. 1:21-cv-00669-ADA-EPG (PC)

ORDER REQUIRING PARTIES TO
EXCHANGE DOCUMENTS

15 Rafael Salas (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action.

16 On July 13, 2022, the Court issued an order requiring the parties to file scheduling and
17 discovery statements. (ECF No. 58). The parties have now filed their statements. (ECF Nos.
18 62 & 67).

19 The Court has reviewed this case and the parties’ statements. In an effort to secure the
20 just, speedy, and inexpensive disposition of this action,¹ the Court will direct that certain
21 documents that are central to the dispute be promptly produced.²

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25 ¹ See, e.g., *United States v. W.R. Grace*, 526 F.3d 499, 508-09 (9th Cir. 2008) (“We begin with the
26 principle that the district court is charged with effectuating the speedy and orderly administration of justice. There
27 is universal acceptance in the federal courts that, in carrying out this mandate, a district court has the authority to
28 enter pretrial case management and discovery orders designed to ensure that the relevant issues to be tried are
identified, that the parties have an opportunity to engage in appropriate discovery and that the parties are
adequately and timely prepared so that the trial can proceed efficiently and intelligibly.”).

² 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:³
- 6 a. Documents regarding exhaustion of Plaintiff's claims, including 602s,
7 Form 22s, and responses from the appeals office.
 - 8 b. Witness statements and evidence that were generated from
9 investigation(s) related to the event(s) at issue in the complaint, such as
10 an investigation stemming from the processing of Plaintiff's
11 grievance(s).⁴
- 12 2. If any party obtains documents and/or other evidence described above later in
13 the case from a third party, that party shall provide all other parties with copies
14 of the documents and/or evidence within thirty days.
- 15 3. Parties do not need to produce documents or evidence that they have already
16 produced.
- 17 4. Parties do not need to produce documents or evidence that were provided to
18 them by the opposing party.
- 19 5. Parties may object to producing any of the above-listed documents and/or
20 evidence. Objections shall be filed with the Court and served on all other parties
21 within sixty days from the date of service of this order (or within thirty days of
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23 ³ 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 ⁴ 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 Defendant(s) 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.

1 receiving additional documents and/or evidence). The objection should include
2 the basis for not providing the documents and/or evidence. If Defendant(s)
3 object based on the official information privilege, Defendant(s) shall follow the
4 procedures described in the Court's scheduling order. If a party files an
5 objection, all other parties have fourteen days from the date the objection is filed
6 to file a response. If any party files a response to an objection, the Court will
7 issue a ruling on the objection.

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9 IT IS SO ORDERED.

10 Dated: September 16, 2022

11 /s/ Eric P. Grogan
12 UNITED STATES MAGISTRATE JUDGE
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