

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 JAMES D. ALLEN, aka LLORD J.P.
10 ALLEN,

11 Plaintiff,

12 v.

13 RASHUAN Q. DEAN,

14 Defendant(s).

Case No. 1:21-cv-01150-JLT-EPG (PC)

ORDER REQUIRING PARTIES TO
EXCHANGE DOCUMENTS

15 James D. Allen (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights
16 action filed pursuant to 42 U.S.C. § 1983.

17 On August 10, 2022, the Court issued an order requiring the parties to file scheduling
18 and discovery statements. (ECF No. 42). The parties have now filed their statements. (ECF
19 Nos. 43 & 44).

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,¹ the Court will direct that certain
22 documents that are central to the dispute be promptly produced.²
23

24 ¹ 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 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 claim, including 602s,
7 Form 22s, and responses from the appeals office (including the 602s with
8 log numbers CCI 20-00025, CCI 20-00260, CCI 20-00850, CCI 20-
9 00772, and CCI-20-01113).

10 b. All documents regarding the Rules Violation Report associated with the
11 incident(s) alleged in the complaint, including disciplinary charges and
12 findings (including RVR No. 6963134 regarding an incident on January
13 23, 2020, and RVR No. 6975722 regarding an incident on February 25,
14 2020).

15 c. Documents related to Plaintiff's job performance from December 31,
16 2019, through March 4, 2020 (including the Work Supervisor's Report
17 and Job Performance evaluation dated March 4, 2020).

18 d. The Classification Committee Hearing notes dated March 11, 2020.

19 2. If any party obtains documents and/or other evidence described above later in
20 the case from a third party, that party shall provide all other parties with copies
21 of the documents and/or evidence within thirty days.

22 3. Parties do not need to produce documents or evidence that they have already
23 produced.

24 4. Parties do not need to produce documents or evidence that were provided to
25 them by the opposing party.

26 5. Parties may object to producing any of the above-listed documents and/or
27

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

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: September 16, 2022

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE