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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL MONTANO,

Plaintiff,

No. 2:07-cv-0800 KJN P

vs.

SOLOMON, et al.,

Defendants.

ORDER

_____ /

Plaintiff has filed a request for reconsideration of this court’s order filed October 18, 2010, to the extent that it denied plaintiff’s motion to compel defendant’s further responses to plaintiff’s production requests. Plaintiff also seeks an order requiring defendant to respond to plaintiff’s newly propounded interrogatories, an extension of the discovery deadline, and an order requiring officials at San Quentin State Prison to return plaintiff’s legal materials to his inmate legal assistant, Johnathan Williams.

The court previously and carefully considered plaintiff’s motion to compel further responses to plaintiff’s production requests (see Dkt. No. 52, at 8-11), and finds no basis for amending that order. The only change in circumstance is plaintiff’s transfer from CSP-Solano to San Quentin. The Legal Affairs Office will therefore be directed to obtain and make available the formal documents specific to CSP-Solano that are responsive to plaintiff’s Production

1 Request No. 1. Plaintiff's motion for reconsideration is denied in all other respects for the
2 reasons previously stated by the court.

3 Plaintiff next seeks an order requiring defendant to provide answers to plaintiff's
4 interrogatories served approximately November 17, 2010. The extended discovery deadline
5 expired on June 11, 2010. Plaintiff asserts that his legal materials were confiscated in October
6 2010, and that the court should therefore find "excusable neglect" in plaintiff's belated service of
7 the subject interrogatories. Federal Rule of Civil Procedure 6(b) authorizes extension of a past
8 deadline based on a showing of good cause. Because plaintiff's argument is premised on an
9 event that occurred four months after expiration of the discovery deadline, plaintiff has failed to
10 demonstrate good cause to extend that deadline or to obtain an exception thereto.

11 Finally, both plaintiff and his inmate legal assistant, Johnathan Williams, have
12 filed declarations in support of their request that the court order officials at San Quentin State
13 Prison to return all of plaintiff's legal materials. The subject matter of this request presents an
14 independent claim that must be exhausted pursuant to the institution's administrative grievance
15 process before it can be presented to the court in a separate action. See 42 U.S.C. § 1997e(a).

16 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's motions
17 for reconsideration (Dkt. No. 53, 54), and plaintiff's further discovery motions contained therein,
18 are denied, with the exception that San Quentin's Legal Affairs Office is directed to obtain and
19 make available to plaintiff, within fourteen days after service of this order, the institutional
20 documents responsive to plaintiff's Production Request No. 1, viz., all written policies,
21 procedures and practices specific to CSP-Solano (and generally to the California Department of

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1 Corrections and Rehabilitation) that address the medical examination and treatment of prisoners,
2 including the dispensing of medication.

3 SO ORDERED.

4 DATED: January 13, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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