



1 articulate his claims pro se in light of the complexity of the legal issues involved. *Palmer v.*  
2 *Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Having considered those factors, the court finds there  
3 are no exceptional circumstances in this case.

## 4 **II. Motion for Discovery (ECF No. 227)**

5 Plaintiff is requesting further discovery because “evidence” exists that plaintiff believes  
6 defendants should disclose. ECF No. 227 at 3. Specifically, plaintiff seeks discovery as to why  
7 the defendant medical technical assistants “were turned into guards,” why defendant Flores was  
8 “relieve[d]” from CDCR, a copy of his “updated” medical file, a copy of the amended complaint,  
9 and “a copy of the litigation” in a Lassen County Superior Court case. *Id.* at 3-4. In his reply to  
10 defendants’ opposition to the motion, plaintiff states that the discovery is relevant to whether the  
11 defendants were deliberately indifferent to his medical needs. ECF No. 237 at 4. That issue,  
12 however, has already been decided by the court. *See* ECF No. 200 (Order dated September 30,  
13 2013, granting defendant Baltzer, Barton, Callison, Carter, Cullison, Garrison, Miller, and  
14 Yeager’s motion for summary judgment on plaintiff’s Eighth Amendment claims that they were  
15 deliberately indifferent to his medical needs); ECF No. 211 (Order denying plaintiff’s motion for  
16 reconsideration of September 30, 2013 Order).

17 In addition, plaintiff’s motion, filed January 6, 2014, is untimely, as discovery closed long  
18 ago on August 20, 2012. ECF No. 163 at 3. Plaintiff does not argue that the requested discovery  
19 is required in order to address a pending motion; rather, he claims that it relates to an issue that  
20 has already been decided by the court. Absent good cause, which plaintiff has not shown,  
21 discovery will not be re-opened. *See* Fed. R. Civ. P. 16(b); *Johnson v. Mammoth Recreations,*  
22 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (good cause exists when the moving party demonstrates  
23 he cannot meet the deadline despite exercising due diligence). The court also notes that plaintiff  
24 may access his central file and medical records by properly making a request with the appropriate  
25 prison officials, and that materials pertinent to cases that plaintiff is litigating should be equally  
26 available to him. Plaintiff’s motion for discovery is denied.

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