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

MARCUS L. HUDSON,

Plaintiff,

No. CIV S-08-1505 DAD P

vs.

S.R. STILES,

Defendant.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Before the court is a motion for a protective order and request for an extension of time to respond to plaintiff’s amended complaint filed on behalf of defendant Stiles, as well as plaintiff’s motion to compel and additional requests.

In his motion for protective order, defendant Stiles requests an order staying discovery pending issuance of a scheduling order and an order denying plaintiff’s motion for summary judgment, as premature. Defendant contends that a protective order is necessary to avoid the undue burden of having to respond to premature discovery requests and a summary judgment motion. In addition, counsel argues that he needs time to conduct discovery to oppose the plaintiff’s motion for summary judgment and that the court has yet to issue a discovery scheduling order. In the event that a protective order is denied, defendant requests a ninety-day

1 extension to respond to plaintiff's discovery requests and to file opposition to plaintiff's
2 summary judgment motion.

3 Plaintiff has not filed an opposition to defendant's motion. However, on March
4 31, 2009, plaintiff filed the first page of a document styled, "Plaintiff's First Request For
5 Production of Documents," and another document styled, "Motion For An Order Compelling
6 Discovery." In his request for production of documents, plaintiff has sought production of prison
7 records concerning a November 11, 2006¹ incident, medical records, and regulations and policies
8 "about treatment when an inmate is attack[ed] by another inmate[.]" (Req. for Production, filed
9 Mar. 31, 2009 at 1.) In his motion to compel, plaintiff seeks responses to his interrogatories and
10 \$500 for his expenses in connection with the motion. Plaintiff has failed to provide the court
11 with copies of the interrogatories posed to defendant or to explain what expenses he incurred that
12 total \$500.00. The court notes that while plaintiff has not filed a motion for summary judgment,
13 on February 20, 2009, plaintiff filed with the court a document styled, "Statement Of Undisputed
14 Facts Supporting a Motion For Summary Judgment," which includes twenty pages of exhibits.

15 In light of plaintiff's numerous discovery requests and apparent attempt to file a
16 motion for summary judgment, the court finds that a protective order is appropriate. However,
17 plaintiff will be allowed to conduct limited discovery by accessing his prison file and medical
18 records in accordance with the facility's procedures and regulations. The court's scheduling
19 order will issue, as appropriate, following the filing of defendant's answer.

20 Defendant has requested a thirty-day extension of time to file his response to the
21 amended complaint. Good cause appearing, the request will be granted.

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25 ¹ It is not entirely clear when plaintiff alleges the incident at issue in this action occurred.
26 However, in his amended complaint, plaintiff alleges that on November 12, 2006, he was
attacked by his cellmate and that prior to the incident he had written to defendant expressing
concern about his own safety. (Am. Compl. at 5.)

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Defendant's March 3, 2009 motion for a protective order (Doc. No. 22) is
3 granted;

4 2. Discovery is stayed pending the issuance of the court's scheduling order, with
5 the exception that plaintiff may access his prison file and medical records in accordance with the
6 facility's procedures and regulations;

7 3. Plaintiff's February 20, 2009 statement of undisputed facts in support of a
8 motion for summary judgment (Doc. No. 21), shall be placed in the file and disregarded; plaintiff
9 shall not file a motion for summary judgment until the court issues a scheduling order setting
10 dates for the filing of dispositive motions;

11 4. Plaintiff's March 31, 2009 request for production of documents (Doc. No. 24)
12 shall be placed in the file and disregarded;

13 5. Plaintiff's March 31, 2009 motion to compel discovery (Doc. No. 25) is
14 denied;

15 6. Defendant's April 2, 2009 request for an extension of time to file a response to
16 plaintiff's amended complaint (Doc. No. 26) is granted; and

17 7. Defendant shall file his response to the amended complaint within thirty-days
18 from the date of service of this order.

19 DATED: April 7, 2009.

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22 _____
23 DALE A. DROZD
24 UNITED STATES MAGISTRATE JUDGE

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