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

REYNALDO JOSHUA CASTILLO,

Plaintiff,

No. 2:08-cv-3080 GEB KJN P

vs.

SOLANO COUNTY JAIL, et al.,

ORDER and

Defendant.

ORDER TO SHOW CAUSE

_____ /

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was reassigned to the undersigned on February 9, 2010.¹ Presently pending are: (1) defendants’ motion for summary judgment filed September 9, 2009 (Dkt. No. 29); and (2) plaintiff’s motion to compel discovery filed November 17, 2009 (Dkt. No. 33). The discovery deadline in this action was November 30, 2009, with dispositive motions due by March 22, 2010. (Dkt. No. 25). For the following reasons, defendants shall be ordered to show cause for their failure substantively to respond to plaintiff’s discovery motion.

Defendants filed their motion for summary judgment more than six months before

¹ This action is referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), Local General Order No. 262, and E.D. Cal. L.R. (“Local Rule”) 302.

1 the discovery deadline. In response to plaintiff's subsequent but timely-filed motion to compel
2 discovery,² defendants failed to respond to the substance of plaintiff's motion, characterizing it as
3 a "purported" motion and complaining that plaintiff had failed to comply with the meet and
4 confer and joint statement requirements of Local Rule 251. (See Dkt. No. 38.) However, in this
5 court's Discovery and Scheduling Order filed July 7, 2009, this court explicitly stated that
6 "unless otherwise ordered, Local Rule 37-251 shall not apply." (See Dkt. No. 25, at 5:20.)
7 Moreover, review of plaintiff's motion demonstrates legitimate confusion concerning
8 defendants' production through the California Forensic Medical Group ("Group") of plaintiff's
9 medical record, but defendants' apparent refusal to disclose other requested documents because
10 they are not in defendants' possession but in the possession of the "Group." Further, while
11 plaintiff's Request for Admissions set forth compound statements not amenable to
12 straightforward answers, plaintiff will be given an opportunity to serve amended requests.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff's motion to compel discovery (Dkt. No. 33) is granted in part.

15 2. Defendants shall provide, within twenty-one days of the filing date of this
16 order, all of the documents sought by plaintiff in his Request for Production of Documents (see
17 Dkt. No. 33-2, at 1-6), which shall be confirmed in a response filed in this court by the same
18 deadline, *and/or* defendants shall substantively explain to plaintiff and the court their request-
19 specific rationale for refusing disclosure. Defendants shall respond to the substance of plaintiff's
20 motion, not merely reiterate the objections set forth in defendants' discovery responses.

21 3. Plaintiff shall, within twenty-one days of the filing date of this order, file with
22 the court and serve upon defendants, two Amended Requests for Admission written and
23 addressed, respectively, separately to each defendant; the requests may be the same, or different,
24 for each defendant.

25 ² Plaintiff seeks: (1) production of documents responsive to his Request for Production
26 Nos. 1-3, 5 and 6; and (2) answers to his Request for Admissions, Nos. 1-20.


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4. Defendants shall, within fourteen days after service of plaintiff's Request(s) for Admissions, serve their answers upon plaintiff and file copies with the court.

5. The discovery deadline and deadline for filing substantive motions are vacated pending further order of this court.

SO ORDERED.

DATED: March 4, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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