

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS NUNEZ, JR.,
Plaintiff,
v.
K.M. PORTER, et al.,
Defendants.

No. 2: 12-cv-2775 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is granted one final opportunity to comply with the February 10, 2017 order.

On September 27, 2016, the undersigned granted in part and denied in part plaintiff's motion to reopen discovery. (ECF No. 82.) The undersigned ordered defendant to respond to the request for admissions and request for production of documents served by plaintiff on December 3, 2015. (Id.)

After receiving defendant's response to his discovery requests, plaintiff filed a motion for in camera review. (ECF No. 84.) Plaintiff alleged that defendant provided him with two redacted emails. (Id.) Plaintiff requested that the court conduct an in camera review of the unredacted versions of the emails to determine whether the redacted information was relevant. (Id.)

///

1 On November 22, 2016, defendant filed a response to plaintiff's motion for in camera
2 review. (ECF No. 85.) Defendant stated that the redacted emails concerned information about
3 nonparties and defendant submitted a privilege log to plaintiff to that effect. (Id.) Defendant did
4 not oppose the court's in camera review of the emails. (Id.) On January 19, 2017, the
5 undersigned ordered defendant to submit the at-issue emails for in camera review. (ECF No. 86.)

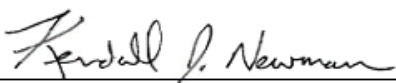
6 Defendant submitted the unredacted emails for in camera review. After reviewing the
7 emails, the undersigned found that the redacted information was most likely not relevant.
8 However, in an abundance of caution, on February 10, 2017, the undersigned ordered plaintiff to
9 submit the request for production of documents relevant to the at-issue emails so that the
10 undersigned could make a final determination regarding relevancy. (ECF No. 88.)

11 On February 23, 2017, plaintiff filed a response to the February 10, 2017 order. (ECF No.
12 89.) Plaintiff did not provide the court with the request for production of documents relevant to
13 the at-issue emails. Instead, plaintiff's February 23, 2017 pleading appears to be a newly drafted
14 request for production of documents in which he seeks documents that "express...defendant's
15 unprofessional conduct" and that would be relevant to proving defendant's bias, prejudice and
16 indifference toward plaintiff.

17 The undersigned clarifies that plaintiff is directed to submit to the court the request for
18 production of documents that resulted in defendant's production of the at-issue email. This
19 request for production of documents was served on defendant on or around December 3, 2015.

20 Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of this
21 order, plaintiff shall provide the court with a copy of the request for production of documents
22 relevant to the at-issue emails; plaintiff shall also identify which specific request for production of
23 documents in response to which defendant produced the emails.

24 Dated: March 17, 2017

25 
26 _____
27 KENDALL J. NEWMAN
28 UNITED STATES MAGISTRATE JUDGE

Nun2775.ord