

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

WALTER HOWARD WHITE,
Plaintiff,
v.
SMYERS, et al.,
Defendants.

No. 2:12-cv-2868 MCE AC P

ORDER

Counsel for defendant Miranda informs the court that plaintiff was recently transferred from the California Substance Abuse Treatment Facility (CSATF) to High Desert State Prison (HDSP). See ECF No. 131, filed April 22, 2015. Discovery matters remain pending in this action, including the parties' compliance with the court's order filed April 16, 2015, ECF No. 126, and the joint request of defendants to reconvene and conclude plaintiff's deposition. The court declines to further address any substantive matter until it has received statements from plaintiff and the Attorney General's Office confirming plaintiff's transfer and the expected duration of his placement at HDSP. The court will, however, inquire about additional discovery deemed necessary by the parties, other than plaintiff's requested deposition, which has been fully briefed (at least insofar as plaintiff remained incarcerated at CSATF). The dispositive motion deadline will be vacated pending further order of this court.

///

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff and the Deputy Attorney General assigned this case shall, within fourteen
3 days after the filing date of this order, file and serve separate statements informing the court of
4 plaintiff's current place of incarceration and, if available, the anticipated duration of that
5 placement.

6 2. Plaintiff and counsel for all parties shall, within twenty-eight days after the filing date
7 of this order, file and serve separate statements (*each statement shall be no more than five pages*
8 *in length, with no attached exhibits or supplemental filings*) that set forth the following
9 information, *excluding any reference to plaintiff's further deposition*: (a) whether the responding
10 party seeks further discovery; (b) if so, a brief description of the intended discovery, including the
11 intended recipient(s), and an explanation why the discovery was not previously propounded; and
12 (c) the importance of the anticipated discovery to the facts and claims in this action. *No party*
13 *shall file any response to any of these statements – any response or responsive motion will be*
14 *stricken.*

15 3. The dispositive motion deadline, currently June 1, 2015, is vacated pending further
16 order of this court.

17 4. The parties shall continue to provide any remaining discovery ordered by this court on
18 April 16, 2015, and plaintiff may submit the authorized subpoenas duces tecum for this court's
19 review. See ECF No. 126. In addition, plaintiff may file and serve a response to this court's
20 order filed April 8, 2015, ECF No. 120, as described and limited therein.¹

21 5. All other outstanding matters shall so remain pending further order of this court.

22 ///
23 ///
24 ///
25 ///
26

27 ¹ Plaintiff's response, if any, shall conform to the limitations previously set by the court, viz.,
28 "a statement – *that does not exceed two pages and includes no legal arguments* – that identifies
specific and reasonable accommodations that would support his participation in a continued
deposition." See ECF No. 120 at 4 (emphasis added).

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

6. The Clerk of Court is directed to send a copy of this order to plaintiff at both CSATF and HDSP.

DATED: April 23, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE