UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH JOHNSON,

Plaintiff,

v.

E. SANDY, et al.,

Defendants.

No. 2:12-cv-2922 JAM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights pursuant to 42 U.S.C. § 1983. Plaintiff's motions to compel further production were adjudicated on September 15, 2014. ECF No. 61. With respect to Set One, Request for Production ("RFP") No. 24 (propounded upon defendants Cruzen, Lavignino, Lavergne and Cobian) and Set Two, RFP No. 15 (propounded upon defendants Austin, Cobian, Cruzen, Destafano, Hutcheson, Lahey, Lavagnino, Lavergne, Shadday and Swarthout), defendants were directed to provide a more detailed privilege log within fourteen days. Id. at 22-23. Defendants were subsequently granted an extension of time to file a revised privilege log. ECF No. 66. The court has reviewed the privilege log revision along with defendants' supplemental briefing, the declaration by Z. Green, staff services manager for the CDCR's Office of Internal Affairs. ECF Nos. 73-75.[1]

[1] Defendants' motion to strike plaintiff's supplemental opposition to the supplemental briefing (continued….)

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Set One, RFP No. 24 sought production of the unredacted internal affairs investigation reports of the incident at issue and all video/audio recordings of witnesses and findings on or about defendant. Set Two, RFP No. 15 sought production of any videotaped or written reports taken by Lt. S.W. Brown of an inmate witness identified as Faris, CDCR # P-38218, on June 22, 2012 and on July 6, 2012.

The following documents have been identified as responsive to RFP No. 24, Set One, or RFP No. 15, Set Two, but entitled to non-disclosure:

- Use of Force Crime/Incident Report Critique Package;
- Internal Affairs Investigation Report for case no. SOL-SFB-12-06-0158;
- CDCR Form 989 Confidential Request for Internal Affairs Investigation;
- CDCR 3014-Report of Findings, Inmate Interview.

See ECF No. 61 at 13-14.

The undersigned now finds it necessary to review these reports in camera before making a final ruling regarding disclosure.

Accordingly, IT IS ORDERED that:

1. Defendants' motion to strike, ECF No. 85, is granted and plaintiff's supplemental opposition to defendants' supplemental briefing regarding the privilege log, ECF No. 81, is stricken.

2. Defendants shall submit the unredacted documents identified above to the chambers of the undersigned within fourteen (14) days for in camera review.

DATED: December 18, 2014

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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regarding the privilege log, ECF No. 85, is granted because the court finds the supplemental opposition at ECF No. 81 to be superfluous. Judge Mendez has previously granted the motion to strike plaintiff's unauthorized surreply to defendants' motion for reconsideration. ECF No. 94.