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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COLEMAN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:13-cv-1021 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. This action proceeds on plaintiff’s challenge to the modified program or changes to the modified program implemented on April 16, 2012, or on July 9, 2012, including his claim that the “practice of a race based lockdown end,” (ECF No. 45-7 at 24), as well as his alleged deprivation of visits and phone calls (ECF No. 25 at 19-20).¹ (ECF Nos. 67 at 23-27; 29; 77.)

On May 12, 2016, plaintiff filed a document seeking sanctions under Rule 37(a)(2)(B) based on defendants’ alleged refusal to turn over certain documents or answer questions. Plaintiff adds that because he includes accusations of “official misconduct,” his request for preliminary


¹ The undersigned also found that “whether plaintiff’s administrative challenge to the policy, custom or practice of race based lockdowns includes a challenge to the December 7, 2011 lockdown remains a disputed issue of material fact.” (ECF No. 67 at 24.)

1 injunction should be granted. However, it appears that defendants responded to plaintiff's
2 discovery requests, but that plaintiff does not believe the responses were proper or thorough, or
3 that certain objections were well-taken. Thus, the court construes plaintiff's filing as a motion to
4 compel discovery and for sanctions. The parties shall brief plaintiff's motion pursuant to Local
5 Rule 230(1), and shall also address plaintiff's request to extend the discovery deadline. In
6 addition, to the extent that plaintiff contends that any misconduct took place, his remedy in this
7 context is sanctions, not injunctive relief. Therefore, plaintiff's motion for injunctive relief is
8 denied without prejudice.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's May 12, 2016 motion (ECF No. 91) is construed as a motion to compel
11 discovery and for sanctions, and includes a request to extend the discovery deadline;
- 12 2. The parties shall brief plaintiff's motion (ECF No. 91) pursuant to Local Rule 230(1);
13 and
- 14 3. Plaintiff's motion for injunctive relief (ECF No. 91) is denied without prejudice.

15 Dated: May 23, 2016

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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