## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JESSE WASHINGTON, No. 2:14-cv-0628 TLN DB P 12 Plaintiff. 13 v. **ORDER** 14 A. GUSTAFSON, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 18 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 29, 2019, plaintiff filed a request for assistance with obtaining discovery 21 documents from defendants and/or to extend discovery dates. (See ECF No. 79). Defendants 22 filed an opposition to the motion on October 14, 2019. (ECF No. 82). For the reasons stated below, the court shall deny plaintiff's request. 23 24 A review of the record in this case indicates that discovery in this matter closed on January 8, 2016. (See ECF No. 21). Therefore, plaintiff's request is untimely. Furthermore, 25 26 although plaintiff cites to Senate Bill 1421 in support of this request, the court agrees with 27 defendants' argument that this bill's amendment of California Penal Code § 832.7 law does not

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entitle plaintiff to any additional documents.

Section 832.7 states in relevant part that records which involve the use of force by a peace officer that results in death or great bodily injury are not confidential and are to be made available for public inspection. See Cal. Penal Code § 832.7(b)(1)(A)(ii). Plaintiff's viable excessive force claims relate to being sprayed with pepper spray and being handcuffed behind his back. (See ECF No. 6 at 5-6). These uses of force did not involve either death or great bodily injury in plaintiff's case. Furthermore, plaintiff's remaining viable claims are not covered under Section 832.7. (Compare ECF No. 6 at 5-6, with Cal. Penal Code § 832.7). For these reasons, plaintiff's request to obtain additional discovery shall be denied.

Accordingly, IT IS HEREBY ORDERED that plaintiff's request for assistance with obtaining discovery documents from defendants and/or to extend discovery dates, filed August 29, 2019 (ECF No. 79), is DENIED.

Dated: October 21, 2019

DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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