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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCOIS P. GIVENS,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:15-cv-720-KJN PS

ORDER

This order resolves various motions and requests presently pending in the action.¹

Plaintiff's Motion for Sanctions

On September 26, 2017, plaintiff filed a motion for discovery sanctions against defendants. (ECF No. 76.) Defendants have opposed the motion. (ECF No. 81.) Plaintiff seeks the imposition of sanctions based on numerous grounds, including (1) the deposition reporter at plaintiff's deposition failing to state her name and business address on the record; (2) defendants' purported refusal to provide plaintiff with a copy of the deposition transcript;² (3) plaintiff's

¹ This action proceeds before the undersigned for all purposes, including the entry of final judgment, pursuant to 28 U.S.C. § 636(c). (ECF No. 49.)

² To the contrary, the parties agreed at the deposition that defendants' counsel would follow up with the prison's litigation coordinator to ensure that plaintiff received a provisional copy of the deposition transcript, and defendants' counsel in fact followed up with the litigation coordinator as promised. (ECF No. 81-1.)

1 belief that the deposition reporter may have a familial or business relationship with defendants;
2 (4) defendants' allegedly improper questioning at the deposition; and (5) defendants' purported
3 tactical maneuvering in scheduling plaintiff's deposition, among various other general allegations
4 of bad faith and misconduct. The court has carefully reviewed plaintiff's motion as well as
5 defendants' opposition, and finds no proper basis to award discovery sanctions. As such,
6 plaintiff's motion for sanctions is denied.³

7 Plaintiff's Request to Modify the Scheduling Order

8 The court declines plaintiff's general request to modify the scheduling order at this
9 juncture. (ECF No. 80.) Discovery in this matter does not close until March 2018. (ECF No.
10 51.) If extension of a particular deadline appears necessary in the future, and supported by good
11 cause, the court will consider an appropriate request at that time.

12 Plaintiff's Request to Appoint Counsel

13 Plaintiff also requests the court to appoint the U.C. Davis Civil Rights Clinic as his
14 counsel in this matter. (ECF No. 80.) It is "well-established that there is generally no
15 constitutional right to counsel in civil cases." United States v. Sardone, 94 F.3d 1233, 1236 (9th
16 Cir. 1996). Moreover, the claims at issue in this action are not unusually complex, and plaintiff
17 has thus far been able to sufficiently articulate his claims without the assistance of counsel. As
18 such, the court finds that no exceptional circumstances are present to support the appointment of
19 counsel. To be sure, if the U.C. Davis Civil Rights Clinic agrees to represent plaintiff, the court
20 would certainly entertain a request by those attorneys to substitute in as counsel. However, the
21 court declines to appoint counsel in the first instance.

22 Plaintiff's Request for Increased Library Access

23 Additionally, plaintiff requests that the court order prison officials to give him greater
24 access to the prison law library and legal resources. (ECF No. 80.) Despite limits on his ability
25 to make copies and/or use the prison library, plaintiff has not demonstrated that his right of access
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27 ³ Because plaintiff's motion is plainly without merit, the court finds it unnecessary to entertain
28 further briefing. As such, plaintiff's request for an extension of time to submit a reply brief is
denied.

1 to the courts is being impaired. Indeed, the court previously granted plaintiff extensions of time
2 when he was unable to meet deadlines due to his incarcerated status. Moreover, as a general rule,
3 this court is unable to issue an order against individuals who are not parties to a suit pending
4 before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969). Therefore,
5 plaintiff's request for increased library access is denied.

6 Plaintiff's Motion to Compel

7 On October 17, 2017, plaintiff filed a motion to compel defendants to supplement various
8 discovery responses and produce documents. (ECF No. 78.)

9 The court notes that a settlement conference is presently scheduled before Magistrate
10 Judge Barnes on November 29, 2017. (ECF No. 73.) At the time of the scheduling conference,
11 the parties discussed conducting some limited discovery prior to the settlement conference, and it
12 appears that plaintiff has now been deposed. However, given the slew of recent filings related to
13 discovery and sanctions, the court is concerned that the parties are wasting time and resources on
14 unnecessary discovery disputes and ancillary matters, instead of preparing in good faith for
15 potential resolution of the case at the settlement conference. Indeed, the increased costs attendant
16 to unnecessary discovery disputes and motion practice only make it more difficult to achieve a
17 reasonable settlement. Consequently, the court finds it appropriate to stay all further discovery
18 and motion practice through the date of the settlement conference. Briefing on the motion to
19 compel will be deferred until after the settlement conference, if still necessary.

20 CONCLUSION

21 Accordingly, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff's motion for sanctions is DENIED.
- 23 2. Plaintiff's request to modify the scheduling order is DENIED.
- 24 3. Plaintiff's request for appointment of counsel is DENIED.
- 25 4. Plaintiff's request for increased access to the prison library is DENIED.
- 26 5. All discovery and motion practice, except for non-frivolous motions for emergency
27 relief, are STAYED until the November 29, 2017 settlement conference. If the action
28 does not settle, the court will set a briefing schedule with respect to plaintiff's pending

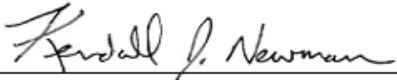
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motion to compel (ECF No. 78).

IT IS SO ORDERED.

This order resolves ECF Nos. 76 and 80.

Dated: October 24, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE