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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE PARKS,

Plaintiff,

v.

JEFFREY ROHLFING, et al.,

Defendants.

No. 2:15-cv-1505 KJM CKD P

ORDER

Plaintiff is proceeding with counsel with an action for violation of civil rights under 42 U.S.C. § 1983. The only remaining defendant, Rafael Miranda, was employed as a Physician’s Assistant at High Desert State Prison in Susanville at the relevant time. One claim against defendant Miranda remains: whether defendant Miranda violated plaintiff’s Eighth Amendment rights by denying plaintiff Ibuprofen on or around April 8, 2014.

After a motion for summary judgment was resolved, the court ordered the parties to submit pretrial statements in accordance with Local Rule 281. Among other things, the parties were required to identify in their pretrial statements the witnesses and exhibits the parties plan to present at trial. Both plaintiff and defendant have submitted a pretrial statement.

Plaintiff’s pretrial statement is not acceptable. Despite the limited, discrete, and relatively unsophisticated nature of plaintiff’s remaining medical claim, plaintiff identifies 45 witnesses. Of those 45, plaintiff identifies three inmates as potential trial witnesses, although he failed to

1 comply with the portion of the court's March 3, 2021 order concerning securing inmate witnesses
2 for trial. Also, plaintiff's identification of his exhibits is vague in that he describes categories of
3 documents, rather than the actual documents. Further, the exhibits identified are overbroad (e.g.
4 all of plaintiff's medical records generated between 2012 and present). While not clear, it appears
5 that plaintiff identifies documents numbering in the thousands.

6 Good cause appearing, IT IS HEREBY ORDERED that:

7 1. Plaintiff's pretrial statement (ECF No 155) is stricken.

8 2. Plaintiff is granted thirty days within which to file an amended pretrial statement. In
9 the amended pretrial statement, plaintiff's list of witnesses and exhibits must reflect the limited,
10 discrete, and relatively unsophisticated nature of the one remaining medical claim that will be
11 presented at trial. With respect to exhibits, plaintiff cannot simply identify a class of documents;
12 he must identify the actual exhibits he intends to use. Further, plaintiff must avoid identifying
13 exhibits and witnesses that are cumulative or not relevant toward a resolution of the only claim
14 remaining. Plaintiff's failure to comply with this order will result in sanctions which may include
15 a recommendation that this action be dismissed.

16 3. Defendant Miranda shall file an amended pretrial statement within 30 days of service
17 of plaintiff's amended pretrial statement.

18 Dated: April 11, 2023



19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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