

1 **II. Motion for Sanctions and to Compel Compliance with Court Orders**

2 Plaintiff states that he makes this motion in order to compel defendant to answer thirty
3 interrogatories which were served thirty-four days ago. ECF No. 26 at 1. Defendant argues that
4 plaintiff failed to wait a reasonable amount of time for the responses to arrive in the mail. ECF
5 No. 29 at 3. Defendant states that the discovery items in question were postmarked on October
6 19, 2017. *Id.* at 4. Defendant was required to respond by November 20, 2017.¹ *Id.* Defendant's
7 counsel has filed a declaration stating that defendant's responses were served on that date. ECF
8 No. 29-1 at 2. Based on the foregoing, plaintiff's motion is denied.

9 Both parties have asked for sanctions related to this matter,² and both requests are denied.
10 Plaintiff is obviously not entitled to sanctions insofar as his motion was unsuccessful.
11 Defendants' request for sanctions is well-taken, but several factors weigh against imposing
12 sanctions in this case. First, plaintiff is an incarcerated layman with limited financial means.
13 Second, discovery in this case is now closed and sanctions are no longer necessary to deter
14 plaintiff's frequent filing of discovery-related motions. Thus, the parties will bear their own
15 costs.

16 **III. Motion to Compel Discovery**

17 On January 2, 2018, plaintiff filed a motion to compel arguing that defendant has not
18 provided documentary proof of the existence of a Lassen County Jail policy to only retain video
19 footage for one year. ECF No. 31 at 1. Plaintiff alleges, without any credible supporting
20 evidence, that defendant is either withholding or has already intentionally destroyed the footage
21 he has previously requested.³ *Id.* at 2. Absent some credible evidence that defendant is actually

22 ¹ November 18, 2017 fell on a Saturday.

23 ² Defendants have also requested sanctions related to plaintiff's motion to compel
24 defendant not to use public funds for his defense. ECF No. 28 at 5. This request for sanctions
25 will also be denied.

26 ³ Plaintiff previously sought a subpoena to obtain Lassen County Jail video footage from
27 April 2015. ECF No. 20 at 1. Defendant stated that no such video exists because video at the jail
28 is only retained for one year. ECF No. 23 at 4. In light of defendant's assertion that the video in
question did not exist, the court declined to issue a subpoena to plaintiff for the purpose of
obtaining it. ECF No. 27 at 3.

1 in possession of the video evidence or intentionally destroyed it to avoid its production in this
2 case, the court declines to revisit this issue. Moreover, this motion to compel is untimely insofar
3 as any motions necessary to compel discovery were to be filed by December 1, 2017. ECF No.
4 15 at 4.⁴

5 **IV. Conclusion**

6 Based on the foregoing it is ORDERED THAT:

- 7 1. Plaintiff's Motion to Compel Defendant Not to Use Public Funds for Defense
8 Attorneys (ECF No. 25) is DENIED;
- 9 2. Plaintiff's Motion for Sanctions and to Compel Defendants to Comply with Court
10 Orders (ECF No. 26) is DENIED;
- 11 3. Plaintiff's Motion to Preclude Defendant from Using Public Funds for Defense (ECF
12 No. 30) is DENIED;
- 13 4. Plaintiff's Motion to Compel Discovery (ECF No. 31) is DENIED; and
- 14 5. Defendant's requests for sanctions (ECF No. 28 at 5; ECF No. 29 at 5-6) are
15 DENIED.

16 DATED: May 21, 2018.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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27 ⁴ The court extended the deadline to propound discovery from September 29, 2017 to
28 October 24, 2017. ECF No. 18. It did not, however, extend the deadline for filing motions to
compel discovery.