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-	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA	
8	FOR THE EASTERN	DISTRICT OF CALIFORNIA
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10	KASEY F. HOFFMAN,	No. 2:15-cv-1526-EFB P
11	Plaintiff,	
12	V.	<u>ORDER</u>
13	KEVIN JONES,	
14	Defendant.	
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16	Plaintiff is a state prisoner proceeding without counsel in an action brought under 42	
17	U.S.C. § 1983. He has filed four unrelated motions – two to prevent defendant from using public	
18	funds for defense attorneys (ECF Nos. 25 & 30), a third "for sanctions and to compel defendant to	
19	comply with court orders" (ECF No. 26), and a fourth to compel discovery (ECF No. 31). For the	
20	reasons stated hereafter, each of these motions is denied.	
21	I. Motions to Compel Defendant Not to Use Public Funds	
22	Plaintiff argues that defendant should be precluded from using county funds to pay for the	
23	services of his counsel. ECF No. 25 at 4-6, ECF No. 30 at 4-5. Apart from the failure of plaintiff	
24	to identify any authority for the order being sought, this issue is unrelated to the constitutional	
25	retaliation claims underlying this suit and is fundamentally an issue of state law. Plaintiff's	
26	motion is denied on this basis. If plaintiff wishes to pursue this unrelated claim based on misuse	
27	of public funds (assuming any authority for such a claim), he may file a separate suit in the	
28	appropriate state court.	

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II.

Motion for Sanctions and to Compel Compliance with Court Orders

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

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

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III. Motion to Compel Discovery

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

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¹ November 18, 2017 fell on a Saturday.

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

³ Plaintiff previously sought a subpoena to obtain Lassen County Jail video footage from April 2015. ECF No. 20 at 1. Defendant stated that no such video exists because video at the jail 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.		
17	ÉDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE		
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27	⁴ The court extended the deadline to propound discovery from September 29, 2017 to October 24, 2017. ECF No. 18. It did not, however, extend the deadline for filing motions to		
28	compel discovery.		