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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GENE E. EVANS,  
Plaintiff,  
v.  
K. LASSITER, *et al.*,  
Defendants.

Case No. 2:16-cv-01997-DAD-JDP (PC)  
ORDER GRANTING DEFENDANTS’  
MOTION TO COMPEL  
ECF No. 62

Plaintiff brought this action under 42 U.S.C. § 1983 alleging that defendants Lassiter, Montemayor, Bjorson, and Wong violated his Eighth Amendment rights by either threatening to kill plaintiff or urging him to kill himself. ECF No. 26 at 3-4. Defendants have filed a motion to compel arguing that plaintiff failed to adequately respond to their first set of interrogatories and requests for production. ECF No. 62. They argue that plaintiff should be sanctioned and this case be dismissed or, in the alternative, he be directed to adequately answer their requests for production under penalty of sanction. ECF No. 75 at 4. After a lengthy delay, plaintiff has filed an opposition, ECF No. 72, and defendants have filed a reply, ECF No. 75. For the reasons stated below, defendants’ motion is granted. I will direct plaintiff to adequately respond to defendants’ requests. If he fails to do so, I will recommend that this action be dismissed.

1 **Legal Standards**

2 Parties are obligated to respond to interrogatories to the fullest extent possible under oath,  
3 Fed. R. Civ. P. 33(b)(3), and any objections must be stated with specificity, Fed. R. Civ. P.  
4 33(b)(4); *Davis v. Fendler*, 650 F.2d 1154, 1160 (9th Cir. 1981) (“objections should be plain  
5 enough and specific enough so that the court can understand in what way the interrogatories are  
6 alleged to be objectionable”). A responding party is typically not required to conduct extensive  
7 research in order to answer an interrogatory, but reasonable efforts to respond must be  
8 undertaken. *L.H. v. Schwarzenegger*, No. S-06-2042 LKK GGH, 2007 U.S. Dist. LEXIS 73752,  
9 2007 WL 2781132, \*2 (E.D. Cal. 2007). Further, the responding party has a duty to supplement  
10 any responses if the information sought is later obtained or the response provided needs  
11 correction. Fed. R. Civ. P. 26(e)(1)(A).

12 **Analysis**

13 Defendants served their discovery requests on October 20, 2021, five days after I lifted the  
14 stay on litigation. ECF No. 62-2 at 2. Plaintiff objected to defendants’ interrogatories on  
15 November 2, 2021, and argued, incorrectly, that the action was still stayed. *See, e.g., id.* at 31.  
16 After defendants filed their motion to compel, plaintiff submitted a short opposition which failed  
17 to offer any legitimate justification for failing to answer defendants’ requests for production.  
18 ECF No. 72. Therein, plaintiff argued that he suffers from an unspecified mental impairment and  
19 that, during the time his responses were due, prison officials failed to protect him from harm and  
20 retaliated against him for protected activity. *Id.* at 2-3. These allegations of official wrongdoing  
21 are not accompanied by any specifics. Separately, plaintiff attached cursory, inadequate answers  
22 to defendants’ requests for production. For instance, in response to defendants’ request asking  
23 him to identify any writings and recordings supporting his contention that he exhausted  
24 administrative remedies, plaintiff simply responded that “[a]s to the orinial (sic) complaint the  
25 administrative remedies were exhausted.” *Id.* at 6. This is not a sufficient answer. If plaintiff has  
26 no documents supporting his claim that he exhausted administrative remedies, he must state as  
27 much.

28 Rather than recommending an immediate, drastic sanction like dismissal of this action, I

1 will direct plaintiff to re-submit answers to defendants' discovery requests. His answers must be  
2 delivered in good faith and comply with the federal rules of civil procedure. If he fails to  
3 adequately answer defendants' discovery requests, I may recommend that this action be  
4 dismissed.


5 It is ORDERED that:

6 1. Defendants' motion to compel, ECF No. 62, is GRANTED. Plaintiff must submit  
7 answers to defendants' requests for discovery within thirty days of this order's entry. Failure to  
8 do so will result in a recommendation that this action be dismissed.

9 2. The discovery deadline is extended to December 7, 2022. Any motion to compel  
10 must be filed by that date. The dispositive motions deadline is extended to February 7, 2023.

11 IT IS SO ORDERED.

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13 Dated: October 7, 2022

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16 JEREMY D. PETERSON  
17 UNITED STATES MAGISTRATE JUDGE  
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