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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HOUSTON,

 Plaintiff,

 v.

L. ELDRIDGE, et al.,

 Defendants.

No. 2:16-cv-2561 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On February 22, 2018, the undersigned granted in part and denied in part plaintiff’s motion to compel. (ECF No. 43.) The undersigned also ordered defendants to file further briefing regarding several of the at-issue discovery requests. (Id.) On March 8, 2018, defendants filed the further briefing in response to the February 22, 2018 order. (ECF No. 51.) The undersigned addresses the outstanding discovery disputes, addressed in defendants’ further briefing, herein.

Plaintiff’s Enemy List

The undersigned ordered defendants to clarify whether the enemy list provided to plaintiff included and identified plaintiff’s enemies in 2016. (ECF No. 43 at 11.) If the enemy list provided to plaintiff did not reflect plaintiff’s 2016 enemies, the undersigned ordered defendants to provide plaintiff with a list of his 2016 enemies, including which of those inmates were housed

1 on B-Facility on any dates between February 5, 2016, and July 17, 2016. (Id.)

2 In their further briefing, defendants state that the enemy list provided to plaintiff during the
3 discovery period reflected his enemies in 2016, but not their locations during the relevant time
4 period of February 5, 2016 through July 17, 2016. (ECF No. 51 at 3.) Defendants have now
5 provided plaintiff with a document showing the plaintiff's listed enemy's external movement
6 history to show their location during the relevant time period. (Id.)

7 Defendants have complied with the order directing them to provide plaintiff with
8 information regarding his 2016 enemies and their movement. Accordingly, the motion to compel
9 as to this matter is deemed resolved.

10 Request for Grievances

11 In the motion to compel, plaintiff claimed that defendants failed to provide him with
12 copies of all 602 complaints and citizen complaints charging the defendants with discrimination,
13 racial bias or excessive force. (ECF No. 43 at 7.) Plaintiff also claimed that defendants failed to
14 respond to his request for the names and CDCR identification numbers of the inmates who wrote
15 the 602 and citizen complaints alleging racial bias, discrimination and excessive force. (Id.)

16 In response to these requests, defendants provided plaintiff with a privilege log identifying
17 inmate grievances filed in 2014-2017. (Id. at 8.)

18 In the February 22, 2018 order, the undersigned found that plaintiff was not entitled to
19 grievances alleging racial bias and discrimination because plaintiff did not state a claim for racial
20 discrimination. (Id.) The undersigned also found that plaintiff was not entitled to grievances
21 alleging excessive force against defendant Eldridge because plaintiff did not allege that defendant
22 Eldridge used excessive force. (Id.)

23 In the February 22, 2018 order, the undersigned found that plaintiff was entitled to
24 discovery of grievances filed by other inmates alleging that defendants Brewer, Hyunh,
25 Anderson, Stanfield, Padilla, Nyberg, Morales, Barajas, Stuhr, Rowe and Pacheco used physical
26 violence on an inmate. (Id.) The undersigned stated that he was inclined to find that plaintiff was
27 not entitled to the names of those inmates who filed the grievances based on the security concerns
28 alleged by defendants in the opposition. (Id.) The undersigned ordered defendants to file a

1 declaration from an appropriate prison official in support of the claim that disclosure of the names
2 of the inmates named in the grievances could jeopardize the safety of the institution. (Id.)

3 In the March 8, 2018 response, defendants provided a declaration by K. Steele, a Sergeant
4 with the Investigative Services Unit (“ISU”) at California State Prison-Sacramento (“CSP-Sac”).
5 (ECF No. 51-1.) Regarding plaintiff’s request for grievances, Sergeant Steele states,

6 Inmates do not have access to other inmates’ central files. An
7 inmate’s central file, which includes inmate grievances, is only
8 available to that inmate and designated correctional staff in order to
9 protect the inmate’s privacy rights. Non-party inmate grievances
10 can include information such as the identify of all inmates and
11 officers involved in a particular incident, what their actions were,
12 what they may have said, their injuries (vulnerabilities), and may
13 include a transcript of a disciplinary hearing and the charges or
14 sentence brought as a result. Plaintiff could disclose those 602
15 grievances to other inmates, which could enable inmates to
16 manipulate staff or extort others, and also put defendants’ safety at
17 risk. Disclose would also chill the flow of information provided by
18 inmate-grievants, witnesses, victims, and informants, who may fear
19 being identified. Identifying participants in the grievance process
20 would subject those participants to potential manipulation, extortion
21 or reprisals by other inmates. Maintaining the confidentiality of
22 such information discourages disturbances and promotes the safety
23 and security of inmates and staff in the correctional setting.
24 Releasing appeal documents from another inmates’ central file to
25 Mr. Houston would also create safety and security risks for that
26 inmate, and possibly, whatever institution that inmate is currently
27 housed. Once given that information, Mr. Houston could distribute
28 to whoever he chooses.

18 (Id. at 2-3.)

19 The declaration of Sergeant Steele demonstrates that disclosure to plaintiff of the
20 identities of the inmates who filed the grievances, as well as the identities of any other inmates
21 involved in the grievances (such as witnesses) could jeopardize institutional safety and security.
22 Accordingly, plaintiff is not entitled to this information. Defendants shall redact the names and
23 all other identifying information, i.e., cell number, CDCR identification number, etc., of any
24 inmate identified in the at-issue grievances. Defendants shall then provide plaintiff with copies of
25 the redacted grievances, identified in the privilege log previously provided to plaintiff, within
26 twenty-one days of the date of this order.¹

27 ¹ If defendants determine that additional redactions are warranted in order to preserve institutional
28 safety and security, they shall notify the court.

1 Photographs

2 In the motion to compel, plaintiff requested copies of photos taken regarding the incident
3 involving defendants. (ECF No. 43 at 9.) In response, defendants stated that they provided the
4 photos for plaintiff's inspection in the litigation coordinator's office at CSP-Sac. (Id.)
5 Defendants argued that allowing plaintiff to possess the photos could endanger the safety of
6 inmates and staff. (Id.)

7 In the February 22, 2018 order, the undersigned directed defendants to provide a
8 declaration by a responsible official in support of their claim that allowing plaintiff to possess the
9 photos would jeopardize institutional security. (Id. at 10.) Sergeant Steele's declaration
10 addresses the security concerns regarding plaintiff's request to possess the photos:

11 Releasing photographs of the institution itself has the potential to
12 seriously compromise institutional safety and security because there
13 is no way to ensure this information will not be distributed to the
14 inmate population, or potentially be released to the general public
15 via social media or by other means. Maintaining the confidentiality
16 of such photographs discourages inmate disturbances, potential
17 disturbances from non-inmates, and promotes the safety and
security of inmates and staff in the correctional setting by limiting
the information available to inmates and their associates regarding
the physical layout, facilities, and equipment of the prison, which
could be used in planning or carrying out an escape, riot or other
disturbance.

18 (ECF No. 51-1 at 3.)

19 The declaration of Sergeant Steele demonstrates that allowing plaintiff to possess the
20 photos could jeopardize institutional safety and security. Accordingly, plaintiff's request to
21 possess the photos is denied.

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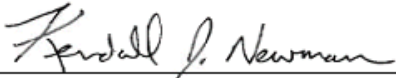
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Accordingly, IT IS HEREBY ORDERED that:

1. Within twenty-one days of the date of this order, defendants shall provide plaintiff with the redacted grievances, discussed above;
2. Plaintiff's request that he be permitted to possess the photos taken regarding the incident involving defendants is denied;
3. Plaintiff's motion to compel is deemed resolved.

Dated: March 14, 2018

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE