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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DEARING,)	
)	
Plaintiff(s),)	No. C 08-1712 MMC (BZ)
)	
v.)	
)	
CORRECTIONAL OFFICER)	THIRD DISCOVERY ORDER
MACHADO, et al.,)	
)	
Defendant(s).)	
_____)	

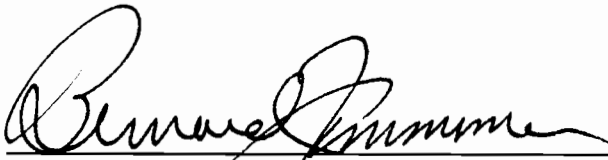
Plaintiff seeks an order compelling non-parties California Department of Corrections and Rehabilitation ("CDCR") and Salinas Valley State Prison ("SVSP") to produce documents pursuant to a subpoena. Docket No. 62. Specifically, plaintiff requests: (1) the Adverse Action against Correctional Officer Machado that terminated his employment with the CDCR and SVSP; and (2) records relating to other investigations into the conduct of Machado and Correctional Officer Godinez, involving allegations of brutality, excessive or unreasonable force, dishonesty, perjury. Reply, p. 1.

In their opposition, CDCR and SVSP do not address why

1 they object to the production of the Adverse Action against
2 Machado. Regarding plaintiff's request for third-party
3 complaints against Machado and Godinez, CDCR and SVSP object
4 that the request is: (a) overbroad and unlikely to lead to the
5 discovery of admissible evidence, and (b) the potential
6 disadvantages to production of the requested documents
7 outweigh the potential benefits. Opposition, p. 4-6.
8 But whether the documents requested are admissible at trial is
9 not the standard; it is whether the documents appear to be
10 "reasonably calculated to the discovery of admissible
11 evidence." FRCP 26(b)(1). All of CDCR and SVSP's remaining
12 concerns are addressed by the following ruling:

13 **IT IS HEREBY ORDERED** that CDCR and SVSP produce the
14 Adverse Action against Machado (AGO-PRIV-024 to 061) and
15 records relating to third-party inmates' complaints against
16 Machado and Godinez by **April 8, 2011** under a protective order
17 for attorney's eyes only. The names of individual inmates
18 shall be redacted from all third-party complaints in order to
19 protect the privacy and confidentiality of those inmates. If
20 after reviewing these records, plaintiff determines he needs
21 the name of a particular inmate, plaintiff may seek relief
22 from the Court if the CDCR is unwilling to provide it.

23 Dated: March 18, 2011

24 
25 _____
26 Bernard Zimmerman
27 United States Magistrate Judge

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