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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA  
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8 RUSSELL DWAYNE RODGERS,  
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No. C 13-2116 MEJ (pr)

10 Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTIONS TO COMPEL; GRANTING  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER; DENYING  
PLAINTIFF'S RENEWED MOTIONS  
FOR APPOINTMENT OF COUNSEL;  
DENYING PLAINTIFF'S MOTION  
FOR TRIAL**

11 v.

12 GREG MUNKS, San Mateo County Sheriff,  
13 et al.,

14 Defendants.  
15 \_\_\_\_\_/

Doc. Nos. 21, 22, 29, 39, 40

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17 Plaintiff Russell Dwayne Rodgers filed a pro se civil rights action under 42 U.S.C.  
18 § 1983 complaining of conditions at the San Mateo County jail, where he is incarcerated.  
19 On June 28, 2013, the Court issued an Order of Partial Service, finding that Plaintiff's due  
20 process claim was not cognizable and that his Eighth Amendment claim for the denial of  
21 hygiene supplies was cognizable. The Court ordered service of the Eighth Amendment claim  
22 on Defendants Sheriff Munks, Lt. Kankel, Lt. Copeland and Sgt. Justice.

23 Plaintiff has filed two motions to compel discovery (doc. nos. 22, 39); and Defendants  
24 have filed a motion for a protective order, precluding Plaintiff from taking the deposition of  
25 Defendant Sheriff Munks (doc. no. 29). Also before the Court are Plaintiff's third and fourth  
26 motions for appointment of counsel (doc. nos. 21, 39) and Plaintiff's motion for trial (doc.  
27 no. 40).

28 On September 27, 2013, Defendants filed a motion to dismiss the action for failure to  
exhaust administrative remedies. Plaintiff has already filed his opposition to the motion to

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dismiss. Therefore, at this juncture, no discovery appears to be required. Accordingly, all discovery is STAYED until the Court rules on Defendants' motion to dismiss. Plaintiff's motions to compel are DENIED without prejudice to Plaintiff re-filing such requests if the stay is lifted. Defendants' motion for a protective order is GRANTED.

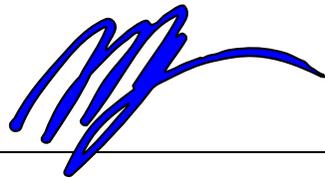
The Court will rule on Defendants' motion to dismiss by separate order. If, upon review of Plaintiff's opposition to Defendants' motion to dismiss and Defendants' reply thereto it becomes apparent that the issues cannot be resolved without narrowly tailored discovery, the Court will permit such discovery at that time and defer ruling on the motion until such discovery is conducted.

For the reasons stated in the Court's prior orders, Plaintiff's renewed requests for appointment of counsel are DENIED. Plaintiff's motion to set trial is DENIED as premature.

This order terminates Docket Nos. 21, 22, 29, 39, and 40.

IT IS SO ORDERED.

DATED: October 28, 2013



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Maria-Elena James

United States Magistrate Judge