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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

JAMES ELLIS JOHNSON,  
Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,  
Defendants.

Case No. 13-cv-02405-JD (NJV)

**ORDER DENYING MOTION TO  
COMPEL**

Re: Dkt. No. 224

Pending before the court is Plaintiff's Motion to have the Deputy City Attorney Newton Oldfather Compelled to Produce the Requested Documents, Photo Disk, Employee names, and Surveillance Tape Requested on a Court Ordered Subpoena Dated September 11, 2015. (Doc. 224.) The court issued an order on January 26, 2016, setting the schedule for the filing of the response to the motion, and the reply to the response. (Doc. 247.) The City and County of San Francisco ("the City") responded to Plaintiff's Motion on January 29, 2016, providing a supporting declaration. (Doc. 249.) Plaintiff has not filed a reply and the time to do so has expired.

The subpoena requested four categories of records: (1) documents related to Johnson's January 30, 2012 booking and release;(2) January 30, 2012 booking photos;(3) January 30, 2012 video footage from the County Jail; and (4) names of all city employees present on January 30, 2012. Plaintiff alleges in his Motion that the City has produced only two photographs.

**1. Category: The Booking and Release Documents from January 30, 2012**

The City asserts that it has identified and produced (1) Johnson's Citation, (2) Johnson's Booking Card, (3) Johnson's Housing Card, and (4) Johnson's Inmate Housing History Report. The City states that it has also requested Johnson's classification records and hopes to obtain these

1 records during the next two weeks if they exist.

2 **2. Category: Booking Photos from January 30, 2012**

3 The City asserts that it has produced eight different photographs of Johnson, including the  
4 photograph from January 30, 2012. Although Plaintiff apparently believes that additional  
5 photographs exist or that the photographs have been altered, the City asserts that after a reasonably  
6 diligent search, the City does not know of any other photographs of Mr. Johnson.

7 **3. Category: Video Footage from January 30, 2012**

8 The City asserts that it does not have any video footage from January 30, 2012. It explains  
9 that the county jail video systems have limited storage capacity, and the system is a first in, first  
10 out system, which means the footage records over itself if not specifically downloaded to an  
11 external hard drive within a certain number of days. The City asserts that after a reasonably  
12 diligent search, the City does not have any video of County Jail 1 from January 30, 2012.

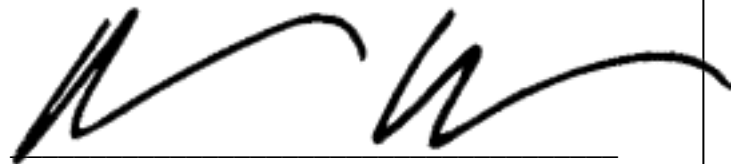
13 **4. Category: City Employees Present on January 30, 2012**

14 The City asserts that it has produced a list of the San Francisco Sheriff's Deputies who  
15 were on duty on January 30, 2012 at County Jail 1 on the day watch shift, at 13:55 hours, which is  
16 when the City believes Johnson was processed.

17 Based on the foregoing, the court finds that the City has complied with its duty to respond  
18 to Plaintiff's subpoena. Accordingly, Plaintiff's Motion is HEREBY DENIED.

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Dated: February 26, 2016



NANDOR J. VADAS  
United States Magistrate Judge