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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PUNAOFO TSUGITO TILEI,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,
Defendants.

Case No. [12-cv-01688-PJH](#) (MEJ)

DISCOVERY ORDER

Re: Dkt. No. 76, 80

Pending before the Court is the parties' joint letter brief. *See* Ltr. Br., Dkt. No. 76; Am. Ltr. Br., Dkt. No. 80. The Court heard oral argument on August 31, 2017.

Plaintiff asks the Court to order the production of documents relating to investigation of, or discipline for, other incidents similar to those alleged in the Complaint. Under Federal Rule of Evidence 404(b), Plaintiff may be able to introduce such evidence at trial to prove Defendants had "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident." Accordingly, no later than September 14, 2017, Defendants shall produce, for in camera review, any and all documents relating to the investigation of the Defendant Correctional Officers, or to their discipline, for incidents similar to those alleged in the Complaint. Defendants shall use an inclusive approach to their in camera production. Thus, documents relating to the pepper spray incident described at the hearing should be produced as an incident relating to Plaintiff's unlawful force allegations. The Court shall ascertain whether the documents are sufficiently similar to warrant production to Plaintiff.

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Defendants produced the IST Report; Plaintiff's request for additional documents relating to training is DENIED.

IT IS SO ORDERED.

Dated: August 31, 2017



MARIA-ELENA JAMES
United States Magistrate Judge