

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISAAC RIGGS,
Plaintiff,
v.
R.T.C. GROUNDS, et al.,
Defendants.

Case No. [13-cv-05864-PJH](#)

**ORDER DENYING MOTION TO
COMPEL**

Re: Dkt. No. 56

Plaintiff, a state prisoner, proceeds with a civil rights action alleging that defendant Cahlander utilized excessive force against him. Plaintiff has filed a motion to compel five document requests. Defendant has opposed the motion.

A party may bring a motion to compel discovery when another party has failed to respond or respond adequately to a discovery request. Fed. R. Civ. P. 37(a)(3). A party may “obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense” but “for good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.” Fed. R. Civ. P. 26(b). As the moving party, plaintiff bears the burden of informing the court which discovery requests are the subject of his motion to compel and for each disputed response, why defendants’ objections are not justified or why the response provided is deficient.

Plaintiff’s motion simply lists the five requests but fails to address defendant’s responses to the requests and why the responses were deficient. Defendant’s opposition includes the responses and various correspondences between the parties and copies of the documents that were provided. Plaintiff has not filed a reply to the opposition.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff seeks the following discovery:

1. Policy for shower procedures
2. Policy for razor exchange.
3. Unit log for daily activities for February 7, 2012.
4. Rules violation report issued to plaintiff regarding the incident.
5. Personal records for all complaints for use of force or misconduct for the past seven years.

Defendant states that discovery for the first four requests were provided. Plaintiff does not dispute this assertion and a review of defendant's motion demonstrates the discovery was provided. Defendant has also provided discovery regarding complaints of use of force against Cahlander. To the extent plaintiff seeks private information from defendant's personal records he has failed to specifically identify what he seeks and why it is required. Because defendant has provided the discovery requested, the motion to compel (Docket No. 56) is **DENIED**.

IT IS SO ORDERED.

Dated: September 18, 2015



PHYLLIS J. HAMILTON
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISAAC RIGGS,
Plaintiff,
v.
R.T.C. GROUNDS, et al.,
Defendants.

Case No. [13-cv-05864-PJH](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 18, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Isaac Riggs ID: E-26630
Corcoran State Prison 3A Yard 3 building cell 108
P.O. Box 3461
Corcoran, CA 93212

Dated: September 18, 2015

Clerk, United States District Court

By: *Nichole Peric*
Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON