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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 LEANDRO LEONEL GONZALEZ
12 CASTILLO,

13 Plaintiff,

14 v.

15 A. RENTERIA, et al.,

16 Defendants.
17

Case No.: 17-CV-2104-CAB-WVG

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

[ECF NO. 26]

18 Plaintiff Leandro Leonel Gonzalez Castillo filed a civil rights complaint pursuant to
19 42 U.S.C § 1983 against defendants A. Renteria, L. Romero, and R. Segovia (collectively
20 “Defendants”) alleging violations of the First and Eight Amendments. (Compl., ECF No.
21 1.) Plaintiff now moves for an order compelling supplemental responses to interrogatories
22 and requests for production of documents. (Mot., ECF No. 26.)

23 **I. BACKGROUND**

24 Plaintiff alleges that sometime “in the middle of 2015” Renteria solicited Plaintiff to
25 be an informant. (Compl. at 8:22-25.) Plaintiff declined which triggered harassment from
26 Renteria. (*Id.* at 8:25-28.) Plaintiff alleges Romero was complicit in this harassment. (*Id.*)
27 Plaintiff claims that on February 6, 2016 this harassment culminated in a sexual assault by
28 Renteria under the guise of a body search. (*Id.* at 9:5-20.) Plaintiff claims that during a

1 subsequent investigation, Segovia threatened to kill Plaintiff in retaliation for reporting the
2 incident. (*Id.* at 10:23-27.)

3 Plaintiff filed his Complaint on October 12, 2017. (Compl.) On April 24, 2018, the
4 Court entered a Scheduling Order, formally opening discovery in the matter. (ECF No. 13.)
5 On May 15, 2018, Plaintiff served on Defendants his first set of interrogatories. (Mot. at
6 5:24-26.) On or about June, 13, 2018, Defendants served on Plaintiff their responses to
7 Plaintiff's interrogatories. (Mot. at 76.) On July 8, 2018, Plaintiff served on Defendants his
8 first set of requests for production of documents. (Mot. at 6:9-11.) On or about August 21,
9 2018, Defendants served on Plaintiff their responses to the requests for production of
10 documents. (Mot. at 94, 101, 112.) On October 11, 2018, Plaintiff filed the present Motion.
11 Defendants filed an Opposition on October 31, 2018. (Opp'n, ECF No. 27.)

12 **II. LEGAL STANDARD**

13 Pursuant to Rule 26, a party:

14 may obtain discovery regarding any nonprivileged matter that is relevant to
15 any party's claim or defense and proportional to the needs of the case,
16 considering the importance of the issues at stake in the action, the amount in
17 controversy, the parties' relative access to relevant information, the parties'
18 resources, the importance of the discovery in resolving the issues, and whether
the burden or expense of the proposed discovery outweighs its likely benefit.

19 Fed. R. Civ. P. 26(b)(1). The party "seeking to compel discovery has the burden of
20 establishing that its request satisfies the relevancy requirements" and the "party opposing
21 discovery bears the burden of showing that discovery should not be allowed, and has the
22 burden of clarifying, explaining, and supporting its objections." *Lofton v. Verizon Wireless*
23 *(VAW) LLC*, 308 F.R.D. 276, 280-81 (N.D. Cal. 2015); *see also Blankenship v. Hearst*
24 *Corp.*, 519 F.2d 418, 429 (9th Cir. 1975). "District courts have broad discretion in
25 determining relevancy for discovery purposes." *Survivor Media, Inc. v. Survivor*
26 *Productions*, 406 F.3d 625, 635 (9th Cir. 2005); *see also U.S. Fidelity and Guar. Co. v.*
27 *Lee Investments LLC*, 641 F.3d 1126, fn. 10 (9th Cir. 2011) ("District courts have wide
28 latitude in controlling discovery[.]").

1 **III. DISCUSSION**

2 Plaintiff moves for compelled responses to his first set of interrogatories and requests
3 for production of documents. Plaintiff claims the information sought is “highly relevant”
4 without providing any further explanation as to how the information is relevant. (Mot. at
5 13:21.)

6 **A. Interrogatory Nos. 20 and 21**

7 Interrogatory No. 20 asks:

8 Do you have [sic] ever been disciplined in the California Department of
9 Corrections and Rehabilitation?

10 (*Id.* at 31.)

11 In response to this, Defendants objected on the grounds that, *inter alia*, the
12 interrogatory is overbroad as to time and that it is not “limited to incidents that are
13 substantially similar to the claims in the lawsuit,” and that it seeks “confidential
14 information that is integral to the safety and security of the institution, staff, and inmates,
15 and cannot be released to the inmates.” (*Id.* at 49:25-50:7.) Defendants then responded they
16 were not disciplined for sexual assault or failing to protect an inmate from sexual assault.
17 (*Id.* at 50:8-11; at 62-63; at 74-75.) In addition, Segovia’s response includes a denial of any
18 discipline for retaliation given the additional allegation against Segovia.

19 Interrogatory No. 21 asks:

20 If you have been disciplined; Please, specific [sic] the reason why?

21 (*Id.* at 32.)

22 Defendants made the same objections and provided the same response to
23 interrogatory 21 as interrogatory 20. Plaintiff simply claims the information he seeks is
24 highly relevant. (*Id.* at 13:21.) Without something more, Plaintiff has failed to meet the low
25 burden of establishing relevancy. This is because Plaintiff’s request seeks everything from
26 potentially highly relevant disciplinary records involving sexual assault to administrative
27 discipline due to something as benign as tardiness. However, assuming *arguendo* Plaintiff
28 had met his burden, the outcome would be no different. As Defendants point out, the

1 interrogatories are overbroad on their face because there is no limitation to scope.
2 Moreover, in the context of prisoner litigation, courts have limited historical information
3 of prison staff to the context of the allegations in the subject complaints. *See Johnson v. de*
4 *la Trinidad*, 2018 WL 3417568, at *2 (S.D. Cal. 2018) (inmate only entitled to complaints
5 regarding excessive force where complaint alleged excessive force); *Robinson v. Adams*,
6 2011 WL 2118753, at *17 (E.D. Cal. 2011) (same). Accordingly, the Court finds
7 Defendants answers to interrogatories 20 and 21 to be sufficient and sustains their
8 objections.

9 **B. Interrogatory No. 22**

10 Interrogatory no. 22 is directed at Renteria only and asks:

11 How Defendant R. Segovia, became your witness in the staff complaint appeal
12 # RJD-B-16-02860, against you? (exhibits# 37 and 38 in the Complaint Under
13 the Civil Rights Act 42 U.S.C. § 1983). [sic]

14 (Mot. at 51.) Renteria objected that the interrogatory assumed facts not in evidence and
15 then responded that he “did not know why [Segovia] was questioned.” (*Id.*) Plaintiff has
16 provided no argument regarding the relevance of this interrogatory or any context for the
17 Court. Accordingly, the Court finds Plaintiff has failed to meet his burden that the request
18 satisfies the relevancy requirements and no further response from Defendants is required.

19 **C. Requests for Production**

20 Plaintiff claims Romero has provided insufficient responses to requests for
21 production of document nos. 5 and 6, Renteria to request nos. 6 and 7, and Segovia to
22 request no. 8. (*Id.* at 6:16-23.)

23 Request No. 5 served on Romero seeks:

24 Any and all formal and informal written complaints (including but not limited
25 to 602 forms) against you, alleging excessive use of force, that occurred [sic]
26 in Richard J. Donovan Correctional Facility, (including all written responses,
27 appeals, reports, investigations, and/or correspondence regarding the
28

1 complaints).^{1, 2}

2 (*Id.* at 83.) Request No. 6 served on Romero seeks:

3 Any and all documents relating that you have been disciplined for excessive
4 use of force against prisoners in Richard J. Donovan Correctional Facility.³

5 (*Id.* at 83-84.)

6 In response to this, Defendants objected on the grounds that, *inter alia*, the
7 interrogatory is overbroad as to time and that it is not limited to incidents “that are
8 substantially similar to the claims in the lawsuit,” and that it seeks “confidential
9 information that is integral to the safety and security of the institution, staff, and inmates,
10 and cannot be released to the inmates.” (*Id.* at 92:16-93:1, 99:1-15, 108:3-13.) Defendants
11 limit their response to those of sexual assault and declare that “no such documents exist.”
12 (*Id.*)

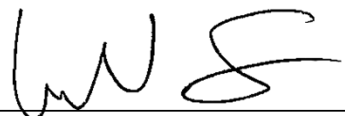
13 As with the interrogatories above, Plaintiff fails to establish how complaints and
14 other documents regarding excessive force generally, rather than sexual assault, relates to
15 the claims in the present case. Given this, the Court sustains Defendants objections.

16 **IV. CONCLUSION**

17 For the above reasons, Defendants objections are **SUSTAINED** and Plaintiff’s
18 Motion to Compel is **DENIED**.

19 **IT IS SO ORDERED.**

20 Dated: December 17, 2018

21 
22 _____
23 Hon. William V. Gallo
24 United States Magistrate Judge

25 _____
26 ¹ Request for production no. 6 served on Renteria is identical except it limits the scope to those
27 complaints occurring after March of 2015. (Mot. at 80.)

28 ² Request for production no. 8 served on Segovia is identical except it is not limited to complaints
originating at Richard J. Donovan Correctional Facility. (*Id.* at 86.)

³ Request for production no. 7 served on Renteria is identical except it limits the scope to those
complaints occurring after March of 2015. (Mot. at 80.)