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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD STOCKMYER,

Plaintiff,

v.

ADMIRE et al.,

Defendants.

CASE NO. 3:16-CV-05681-RBL-DWC

ORDER


The District Court has referred this action, filed pursuant to 42 U.S.C. §1983, to United States Magistrate Judge David W. Christel. Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint pursuant to 42 U.S.C. § 1983.

In a letter sent to the Court, which the Court construes as a Motion for Clarification (“Motion”), Plaintiff requests the Court clarify the parties’ obligations regarding the Court’s Mandatory Pretrial Discovery and Scheduling Order (Dkt. 26, “Scheduling Order”). Dkt.27. Defendants filed a response. Dkt. 28. The Court grants Plaintiff’s Motion and clarifies the Scheduling Order as stated below.

1 Plaintiff seeks clarification regarding the necessity of the Scheduling Order, as the parties  
2 have not yet had an opportunity to meet and confer. Dkt. 27 at 2. Because Plaintiff's Amended  
3 Complaint survived 28 U.S.C. § 1915 screening and Defendants filed an Answer, Dkt. 25, the  
4 Court entered the Scheduling Order. Dkt. 26. *See also* Amended General Order 09-16,  
5 Mandatory Pretrial Discovery in Pro Se Prisoner 42 U.S.C. § 1983 cases. Pursuant to Section  
6 I(A)(8) of the Scheduling Order, a discovery conference is only necessary if the parties have a  
7 dispute after making the disclosures required by the Scheduling Order. Dkt. 26 at 4. Thus, the  
8 parties are not required to meet and confer unless a discovery dispute arises.

9 Plaintiff also states he does not have the funds to provide copies of all of the documents  
10 he can obtain from the Department of Corrections. Dkt. 27 at 2-3. Section I(A)(1) of the  
11 Scheduling Order requires Plaintiff to produce to Defendants, copies of all documents and other  
12 materials which are in Plaintiff's care, custody or control. Dkt. 26 at 1. Thus, Plaintiff is not  
13 required to provide documents to Defendants which are in the care, custody, or control of the  
14 Department of Corrections. *See id.* The Scheduling Order also provides that documents which  
15 are in Plaintiff's care, custody or control must be provided to Defendants with copies of the first  
16 50 pages provided at the expense of the producing party. Dkt. 26 at 5. The requesting party must  
17 pay for pages in excess of 50. *Id.* In the event Plaintiff does not have the funds to provide  
18 copies, he may provide Defendants with a list of the documents in his possession, which  
19 identifies each document by date, author, subject matter, and number of pages. Dkt. 26 at 5.

20 Dated this 25<sup>th</sup> day of January, 2017.

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23 David W. Christel  
24 United States Magistrate Judge