

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rood v. Secretary of CDCR, et al.

Rood · No. 1:22-cv-00449-SAB (PC) · Decided March 13, 2025

SUMMARY

The United States District Court for the Eastern District of California granted the defendant's motion to stay merits-based discovery and vacate the discovery and dispositive-motion deadlines. The court found good cause because the defendant's pending summary-judgment motion based on failure to exhaust administrative remedies could resolve the action. Discovery concerning exhaustion remained permissible, and the court stated that deadlines could be reset after resolution of the motion.

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 COLTON JAMES ROOD, No. 1:22-cv-00449-SAB (PC) 10 Plaintiff, ORDER GRANTING
DEFENDANT'S MOTION TO STAY MERITS-BASED 11 v. DISCOVERY AND VACATE
DEADLINES 12 SECRETARY OF CDCR, et al., (ECF No. 79) 13 Defendants. 14 15 Plaintiff is
proceeding pro se and in forma pauperis in this civil rights action filed pursuant 16 to 42 U.S.C. §
1983.

17 Currently before the Court is Defendant's motion to stay merits-based discovery and 18 vacate
the dispositive motion deadline, filed March 12, 2025. (ECF No. 79.) 19 The Court is vested with
broad discretion to manage discovery. *Dichter-Mad Family 20 Partners, LLP v. U.S.*, 709 F.3d
749, 751 (9th Cir. 2013) (per curiam); *Hunt v. County of Orange*, 21 672 F.3d 606, 616 (9th Cir.

2012); *Surfvivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 22 (9th Cir. 2005); *Hallett v.*
Morgan, 296 F.3d 732, 751 (9th Cir. 2002). Pursuant to Rule 26(c)(1), 23 the Court may, for good
cause, issue a protective order forbidding or limiting discovery.

The 24 avoidance of undue burden or expense is grounds for the issuance of a protective order,
Fed. R. 25 Civ. P. 26(c), and a stay of discovery pending resolution of potentially dispositive
issues furthers 26 the goal of efficiency for the courts and the litigants, *Little v. City of Seattle*,
863 F.2d 681, 685 27 (9th Cir. 1988) (stay of discovery pending resolution of immunity issue).

The propriety of 28 delaying discovery on the merits of the plaintiff's claims pending resolution of
an exhaustion 1 | motion was explicitly recognized by the Ninth Circuit. *Albino v. Baca*, 747 F.3d
1162, 1170-71 2 | (9th Cir. 2014) (en banc); see also *Gibbs v. Carson*, No. C-13-0860 THE (PR),

2014 WL 172187, 3 | at *2-3 (N.D. Cal. Jan. 15, 2014). 4 On March 7, 2025, Defendant filed a motion for summary judgment for Plaintiff's failure 5 || to exhaust the administrative remedies.

(ECF No. 77.) The failure to exhaust is an affirmative 6 | defense, and Defendant is entitled to judgment on Plaintiff's claims against her if the Court 7 | determines the claim is unexhausted. Albino, 747 F.3d at 1166.

Thus, the pending exhaustion 8 | motion has the potential to bring final resolution to this action, obviating the need for merits- 9 | based discovery. Gibbs, 2014 WL 172187, at *3. In Albino, the Ninth Circuit recognized that 10 || “[e]xhaustion should be decided, if feasible, before reaching the merits of a prisoner’s claims,” 11 | and “discovery directed to the merits of the suit” should be left until later.

Albino, 747 F.3d at 12 | 1170. To the extent that the non-moving party needs specific discovery to address issues raised in 13 | a dispositive motion, the non-moving party may seek redress by Federal Rule of Civil Procedure 14 | 56(d). Albino, 747 F.3d at 1170-71; Wyatt v. Terhune, 315 F.3d 1108, 1115 n.7 (9th Cir. 2003) 15 | (overruled on other grounds by Albino, 747 F.3d at 1168-69).

16 On the basis of good cause, it is HEREBY ORDERED that: 17 1. All discovery, not related to exhaustion of the administrative remedies, is stayed 18 until a final ruling on Defendant’s pending motion for summary judgment; 19 2.

The discovery and dispositive motions deadlines are vacated; and 20 3. If necessary, the Court will reset the deadlines following resolution of the pending 21 motion for summary judgment. 22 73 IT IS SO ORDERED. DAM Le 24 | Dated: _ March 13, 2025 STANLEY A. BOONE 25 United States Magistrate Judge 26 27 28