

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

OPINION

(PC) Rood v. Secretary

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

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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 | adispositive 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