

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Matthew H. Beckett v. Scalia, et al.

Beckett · No. 1:20-cv-01468-CDB (PC) · Decided April 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Matthew H. Beckett’s motion to amend and his motions seeking injunctive relief. The Court granted Defendants’ motion to stay discovery pending resolution of their summary judgment motion concerning exhaustion and denied Plaintiff’s motion to compel as premature and moot. The Court stated that no further motion practice would be permitted until the summary judgment motion was addressed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Christopher D. Baker
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 15, 2025
DOCKET	1:20-cv-01468-CDB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In this pending prisoner civil-rights action under 42 U.S.C. § 1983, the court resolved plaintiff's motion to amend, two requests construed as motions for injunctive relief, defendants' motion to stay discovery, and plaintiff's motion to compel. Defendants' separate motion for summary judgment concerning exhaustion remained pending.
STANDARD OF REVIEW	Motions to amend are governed by Federal Rule of Civil Procedure 15(a)(2), under which leave should generally be freely given but may be denied for prejudice, bad faith, undue delay, or futility. A stay is committed to the district court's broad discretion and requires weighing potential damage, hardship or inequity, and the orderly course of justice. A motion to compel may be denied as premature where discovery responses are not yet due and as moot where the requested responses have been served.
PRECEDENTIAL VALUE	unknown

TOPICS

motion to amend

injunctions

discovery dispute

section 1983

civil rights

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal courts

Discovery

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to add CDCR, an acting warden, and correctional lieutenant Gonzales or Gonzalez as defendants.
2. Whether plaintiff could obtain injunctive relief concerning law-library access and legal mail when those matters were not included in the claims in the complaint and the relevant Atascadero State Hospital officials were not parties before the court.
3. Whether discovery should be stayed pending resolution of defendants' exhaustion-based motion for summary judgment.
4. Whether plaintiff's motion to compel should be denied as premature and moot because the discovery requests were not yet due and defendants had served responses.

HOLDINGS

1. Leave to amend may be denied when amendment would cause undue delay, prejudice, or futility. Plaintiff's renewed motion was properly denied because the proposed claims and defendants were raised after substantial delay, the claims against CDCR and official-capacity defendants were futile, and the allegations against the proposed supervisory defendants were vague and conclusory.
2. The court may not grant injunctive relief based on claims not pleaded in the complaint, and it may not issue relief concerning persons over whom it lacks personal jurisdiction. Plaintiff's requests concerning law-library access and legal mail were therefore denied.
3. A stay of discovery was warranted pending a final ruling on defendants' motion for summary judgment concerning exhaustion.
4. The motion to compel was denied as premature and moot because plaintiff did not establish that defendants' discovery responses were overdue, and defendants demonstrated that they had served responses before the court ruled.

KEY QUOTATIONS

"In sum, Plaintiff's motion for leave to amend his complaint is denied on the bases of futility and undue delay." (at 5)

"A plaintiff is not entitled to injunctive relief based on claims not pled in the complaint because the "court's equitable power lies only over the merits of the case or controversy before it."" (at 6)

"In sum, Defendants have met their burden of establishing the need to stay this action." (at 8)

"In sum, Plaintiff's motion to compel is denied as premature and moot." (at 9)

FACTUAL BACKGROUND

Beckett is a former state prisoner and current civil detainee proceeding pro se and in forma pauperis. His action proceeds against California prison officials on Eighth Amendment excessive-force, failure-to-protect or failure-to-intervene, and deliberate-indifference claims. He sought to add the California Department of Corrections and Rehabilitation, an acting warden, and a correctional lieutenant, while also seeking relief concerning access to legal research and mail at Atascadero State Hospital. Defendants had moved for summary judgment concerning exhaustion, and discovery deadlines were approaching.

PROCEDURAL HISTORY

Plaintiff filed the action in October 2020 and proceeded through an amended complaint asserting Eighth Amendment excessive-force, failure-to-protect or failure-to-intervene, and deliberate-indifference-to-serious-medical-needs claims. The court previously denied leave to amend, allowing plaintiff to renew the request only if he could adequately plead supervisory liability. Plaintiff renewed his amendment request and filed additional requests concerning law-library access and legal mail; defendants moved to stay discovery pending their exhaustion-based summary-judgment motion. The court denied plaintiff's motions, granted the stay, and denied the motion to compel as premature and moot.

DISPOSITION

other

CASES CITED

- *Eminence Capital LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052
- *Foman v. Davis*, 371 U.S. 178
- *AmerisourceBergen Corp. v. Dialysist West, Inc.*, 465 F.3d 946, 951, 953
- *Jackson v. Bank of Hawaii*, *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1388
- *Smith v. Albee*, No. 2:15-cv-1598 JAM KJN P, 2019 WL 2952962, at *4
- *Griffin v. Kelso*, No. 2:10-cv-2525 MCE AC P, 2018 WL 3752132, at *3
- *Atascadero State Hosp. v. Scanlon*, 473 U.S. 234, 241
- *Aholelei v. Department of Public Safety*, 488 F.3d 1144, 1147
- *Dittman v. California*, 191 F.3d 1020, 1025-26
- *Shavers v. Taber*, No. 2:21-cv-01734-JDP (PC), 2022 WL 4345708, at *1
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678
- *Pacific Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633
- *Zepeda v. United States I.N.S.*, 753 F.2d 719, 727-28
- *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350
- *Hitchman Coal & Coke Co. v. Mitchell*, 245 U.S. 229, 234-35
- *Clinton v. Jones*, 520 U.S. 681, 706, 708
- *Landis v. North American Co.*, 299 U.S. 248, 254-55

- CMAX, Inc. v. Hall, 300 F.2d 265, 268
- Dependable Highway Exp., Inc. v. Navigators Ins. Co., 498 F.3d 1059, 1066-67
- Yong v. I.N.S., 208 F.3d 1116, 1119

OPINION

(PC) Beckett v. Scalia

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MATTHEW H. BECKETT, Case No. 1:20-cv-01468-CDB (PC) 12 Plaintiff, ORDER
DENYING PLAINTIFF'S

MOTION TO AMEND

13 v. 14 SCALIA, et al., (Doc. 81) 15 Defendants. ORDER DENYING PLAINTIFF'S

MOTIONS FILED FEBRUARY 13, 2025,

16 AND FEBRUARY 18, 2025

17 (Docs. 82 & 83) 18

ORDER GRANTING DEFENDANTS'

MOTION TO STAY DISCOVERY

19 20 (Doc. 86)

21 ORDER DENYING PLAINTIFF'S

MOTION TO COMPEL

22 (Doc. 87) 23 24 25 Plaintiff Matthew H. Beckett is a former state prisoner and current civil
detainee 26 proceeding pro se and in forma pauperis in this civil rights action filed under 42
U.S.C. § 1983.1 27 28 1 This action was reassigned to the undersigned for all further proceedings,
including trial and entry of judgment, on 1 This action proceeds on Plaintiff's Eighth Amendment
excessive force claims against 2 Defendants Scalia, Madrigal and Hernandez and failure to
protect/failure to intervene claims 3 against Defendant Hackworth, and Eighth Amendment
deliberate indifference to serious medical 4 needs claims against Defendants Scalia, Madrigal,
Hernandez, Hackworth, and Hurtado. (See
5 Doc. 39.)

6 I. INTRODUCTION

7 The following motions are pending on this Court's docket in this action: 8 1. Plaintiff's motion
to amend filed February 12, 2025 (Doc. 81) 9 2. Plaintiff's motion or request of February 13, 2025
(Doc. 82) 10 3. Plaintiff's motion or request of February 18, 2025 (Doc. 83) 11 4. Defendants'
motion for summary judgment filed February 24, 2025 (Doc. 84) 12 5. Defendants' motion to stay
discovery filed March 6, 2025 (Doc. 86) 13 6. Plaintiff's motion to compel filed March 10, 2025
(Doc. 87) 14 The Court will address all but Defendants' pending motion for summary judgment

below.

15 II. DISCUSSION

16 Plaintiff's Motion to Amend (Doc. 81) 17 Background & Briefing 18 On January 10, 2025, this Court issued its Order Denying Plaintiff's Motion to Amend 19 the Complaint. (Doc. 80.) Specifically, Plaintiff sought to amend his complaint to name the 20 California Department of Corrections and Rehabilitation (CDCR) and the acting warden at 21 California State Prison, Corcoran as defendants in this action. (Id. at 6.) He also sought to sue the 22 defendants in their official and individual capacities. (Id.) First, the Court found granting 23 Plaintiff leave to amend to name CDCR as a defendant would be futile. (Id. at 7.) Second, the 24 Court found Plaintiff failed to explain how the acting warden was liable, therefore, Plaintiff was 25 advised he "may renew his motion" if he could "show that any claim or claims against the acting 26 warden meet the standards for supervisory liability" set forth in the order. (Id. at 9.) Finally, the 27 Court found granting Plaintiff leave to amend to name Defendants Scalia, Madrigal, Hernandez, 28 Hackworth, and Hurtado in their official capacities would be futile. (Id.) 1 On February 12, 2025, Plaintiff filed a document titled "plaintiff-Seeking courts leave for 2 permission to amend." (Doc. 81.) Plaintiff states he objects to the Court's order denying his 3 motion to amend to add CDCR as a defendant because, he contends, his exhibit establishes "that 4 an entity such as CDCR is not completely above reproach." (Id. at 1.) Plaintiff maintains CDCR 5 failed to place required cameras "but was in default of that code, therefore responsible," that 6 CDCR failed to train its officers regarding mental health "and other blatantly [sic] obvious 7 failures," that a failure to protect "falls upon CDCR," that the warden was aware of the conduct 8 by way of the grievance process and Plaintiff's "letter giving 'Notice' to the warden while 9 housed there," and that the CDCR is liable as a private entity. (Id. at 1-2; see also id. at 9-10.) 10 Plaintiff asserts he intends to add "LT. Gonzales/LT. Gonzalez" as a defendant to "show how his 11 actions as well as the action of all the other supervisors in this case actions directly led to or 12 allowed the violations" alleged. (Id. at 7.) 13 Defendants filed an opposition to the motion on March 5, 2025. (Doc. 85.) They contend 14 Plaintiff unduly delayed in bringing claims against CDCR and the warden, that permitting 15 Plaintiff leave to amend his complaint to include CDCR and the warden would be futile, that 16 Plaintiff fails to allege any specific acts or omissions against Gonzalez and that his 17 administrative remedies were unavailable. (Id. at 3-4.) Finally, Defendants argue allowing 18 amendment at this stage of the proceedings would significantly prejudice Defendants. (Id. at 4.) 19 Analysis 20 The Court incorporates here from its earlier order denying Plaintiff leave to amend the 21 applicable standard of law under Rule 15 of the Federal Rules of Civil Procedure. (See Doc. 80 22 at 6-7.) Although "[t]he court should freely give leave when justice so requires," under Rule 23 15(a)(2), and there is presumption in favor of granting leave to amend, such leave need not be 24 granted where such amendment (1) would prejudice the opposing party; (2) is sought in bad 25 faith; (3) produces an undue delay in litigation; or (4) is futile. *Eminence Capital LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (citing *Foman v. Davis*, 371 U.S. 178 (1962)); 27

Amerisource Bergen Corp. v. Dialysist West, Inc., 465 F.3d 946, 951 (9th Cir. 2006). 28 1 Defendants assert undue delay by Plaintiff. In evaluating undue delay, the Court 2 considers not only whether a motion to amend was timely under the scheduling order, but 3 “whether the moving party knew or should have known the facts and theories raised by the 4 amendment in the original pleading.” AmerisourceBergen Corp., 465 F.3d at 953 (quoting 5 Jackson v. Bank of Hawaii, 902 F.2d 1385, 1388 (9th Cir. 1990)). Here, Plaintiff plainly knew or 6 should have known the facts and theories he seeks to include in any amendment when he filed 7 his original complaint in October 2020, his first amended complaint in March 2021, and his 8 second amended complaint in September 2022. See, e.g., Smith v. Albee, No. 2:15-cv-1598 JAM 9 KJN P, 2019 WL 2952962, at *4 (E.D. Cal. July 9, 2019) (“In 2015, plaintiff was aware of the 10 alleged false incident report and subsequent disciplinary action ... yet failed to include such 11 allegations in his original complaint or prior amended pleadings”); Griffin v. Kelso, No. 2:10-cv- 12 2525 MCE AC P, 2018 WL 3752132, at *3 (E.D. Cal. Aug. 8, 2018) (noting plaintiff sought to 13 “add claims under the ADA and RA,” and finding “plaintiff cannot reasonably argue that the 14 facts supporting these claims were not known to him when he initiated this action”). Thus, as this 15 record demonstrates, there exists a strong showing against granting Plaintiff the leave he 16 belatedly seeks. 17 Regarding CDCR, as previously determined (see Doc. 80 at 7), CDCR is entitled to 18 Eleventh Amendment immunity. See Atascadero State Hosp. v. Scanlon, 473 U.S. 234, 241 19 (1985); Aholelei v. Dep’t of Public Safety, 488 F.3d 1144, 1147 (9th Cir. 2007); Dittman v. 20 California, 191 F.3d 1020, 1025-26 (9th Cir. 1999). Nothing in Plaintiff’s motion changes this 21 outcome. And CDCR is a public entity, not a private one, despite Plaintiff’s assertion otherwise. 22 The same can be said of any argument by Plaintiff that these Defendants can be sued in their 23 official capacities; amendment would be futile for the reasons previously explained. (See Doc. 80 24 at 9.) 25 Next, Plaintiff’s allegations concerning the acting warden are vague and conclusory. 26 Plaintiff contends the acting warden was aware of his allegations due to the prison’s grievance 27 process and his “letter giving ‘Notice’ to the warden while housed there.” Plaintiff does not 28 indicate what his letter advised the warden of, and it is not an exhibit to his motion. See, e.g., 1 Shavers v. Taber, No. 2:21-cv-01734-JDP (PC), 2022 WL 4345708, at *1 (E.D. Cal. Sept. 19, 2 2022) (“Plaintiff alleges that the prison warden was made aware of his issues with the 3 aforementioned defendants through the prison grievance process but failed to take corrective 4 action” and noting “again, however, plaintiff does not allege what facts his grievance apprised 5 the warden of. These allegations are too vague to state a cognizable claim”) (citing Ashcroft v. 6 Iqbal, 556 U.S. 662, 678 (2009) [“The pleading standard Rule 8 announces does not require 7 detailed factual allegations, but it demands more than an unadorned, the-defendant-unlawfully- 8 harmed-me accusation”]).) Notably too, Plaintiff was aware or should have been aware of these 9 allegations at the time he filed his original complaint. 10 Concerning correctional lieutenant Gonzales or Gonzales, Plaintiff fails to offer specific 11 factually allegations. Simply stating he intends to do so is insufficient. The Court’s January 2025 12 order makes plain Plaintiff is required

to explain what action or inaction he attributes to any 13 defendant he would seek to name as a defendant in the action, as have this Court's prior 14 screening orders. (See Docs. 10, 17, 29, 80.) And there is nothing to indicate Plaintiff was 15 previously unaware of any action or inaction by Gonzales or Gonzalez. 16 Plaintiff's assertion regarding the unavailability of administrative remedies will be 17 addressed when the Court considers Defendants' pending motion for summary judgment 18 concerning exhaustion. The Court notes Plaintiff's second amended complaint asserts "the 19 grievance system was obstructed and made unusable to the highest level." (See Doc. 24 at 3.) 20 Lastly, the Court finds Defendants' argument concerning prejudice somewhat persuasive 21 considering this case has been pending in this district since October 13, 2020. Nevertheless, 22 discovery has not yet closed as that deadline is presently set for June 24, 2025. (See Doc. 71.) 23 In sum, Plaintiff's motion for leave to amend his complaint is denied on the bases of 24 futility and undue delay. *Eminence Capital LLC*, 316 F.3d at 1052. 25 Plaintiff's Motion or Request of February 2025 (Docs. 82 & 83) 26 Plaintiff's February 12, 2025, filing is titled "plaintiff-Motion requesting court recognise 27 [sic] Deprivation of Rights Prevention of Litigation," and seeks "access to the law library Lexis 28 Nexis system for eight hrs per week." (Doc. 82.) Plaintiff's February 18, 2025, filing is titled 1 "plaintiff-Motion requesting court recognise [sic] Deprivation of rights prevention [sic] of 2 litigation." (Doc. 83.) 2 Plaintiff seeks access to the law library's Lexis Nexis system and 3 contends that "simply having the program on the computer where a patient/prisoner [cannot] get 4 to it, [does] not account for 'sufficient access.'" (Id. at 1.) 5 The Court construes Plaintiff's filings to seek injunctive relief concerning his access to 6 the law library, and to the timely receipt of his legal mail.³ 7 A plaintiff is not entitled to injunctive relief based on claims not pled in the complaint 8 because the "court's equitable power lies only over the merits of the case or controversy before 9 it." *Pacific Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015). 10 Here, the case or controversy before the Court involves Plaintiff's Eighth Amendment excessive 11 force claims against Defendants Scalia, Madrigal and Hernandez and failure to protect/failure to 12 intervene claims against Defendant Hackworth, and Eighth Amendment deliberate indifference 13 to serious medical needs claims against Defendants Scalia, Madrigal, Hernandez, Hackworth, 14 and Hurtado. None of the claims upon which this action proceeds involve Plaintiff's access to the 15 law library or his legal mail. Therefore, this Court lacks the power to grant the relief Plaintiff 16 seeks. *Pacific Radiation Oncology, LLC*, 810 F.3d at 633; see *Zepeda v. United States I.N.S.*, 753 17 F.2d 719, 727 (9th Cir. 1983). 18 Further, a federal district court may issue injunctive relief only if it has personal 19 jurisdiction over the parties and subject matter jurisdiction over the lawsuit. See *Murphy Bros., 20 Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999). The court may not attempt to 21 determine the rights of persons not before it. See, e.g., *Hitchman Coal & Coke Co. v. Mitchell*, 22 245 U.S. 229, 234-35 (1916); *Zepeda*, 753 F.2d at 727-28. Under the Federal Rules of Civil 23 Procedure, an injunction binds only "the parties to the action," their "officers, agents, servants, 24 employees, and attorneys," and "other persons who are in active concert or participation." Fed. 25 26 2 The filing

is 115 pages long, 112 pages of which are Plaintiff's exhibits including complaint and legal mail release waiver forms, "Declaration of Mail issues at A.S.H.," and discovery requests directed to Defendants and third parties. 27 Many of the documents are duplicative of previous filings or other exhibits. 28 3 The legal mail issue is not presented until page 21 of the filing and appears randomly among the exhibits. 1 R. Civ. P. 65(d)(2)(A)-(C). Here, the Court does not have personal jurisdiction over any 2 individual at Atascadero State Hospital—where Plaintiff is presently confined—rather, it has 3 personal jurisdiction only over the California State Prison-Corcoran Defendants: Hackworth, 4 Hernandez, Hurtado, Madrigal, and Scalia. Injunctive relief is therefore not available or 5 appropriate involving any individual or official at Atascadero State Hospital. Plaintiff's requests 6 are denied. 7 Defendants' Motion to Stay Discovery (Doc. 86) 8 Defendants seek a stay of discovery pending the outcome of their summary judgment 9 motion concerning exhaustion. (Doc. 86.) Their motion is unopposed. 10 The district court "has broad discretion to stay proceedings as an incident to its power to 11 control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citing *Landis v. North 12 American Co.*, 299 U.S. 248, 254 (1936)). "Generally, stays should not be indefinite in nature." 13 *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066-67 (9th Cir. 2007). 14 If a stay is especially long or its term is indefinite, a greater showing is required to justify it. 15 *Yong v. I.N.S.*, 208 F.3d 1116, 1119 (9th Cir. 2000). The party seeking the stay bears the burden 16 of establishing the need to stay the action. *Clinton*, 520 U.S. at 708. 17 In considering a stay of proceedings, a court must weigh competing interests that will 18 be affected by the grant or refusal to grant a stay, including: (1) the possible damage which may 19 result from the granting of a stay; (2) the hardship or inequity which a party may suffer in being 20 required to go forward; and (3) the orderly course of justice measured in terms of simplifying or 21 complicating of issues, proof, and questions of law which could be expected to result from a stay. 22 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir.1962) (citing *Landis*, 299 U.S. at 254-55). 23 Here, considering the possible damage that might result from granting a stay of this 24 action, the Court finds little risk. Although discovery has commenced, a stay of these proceedings 25 will merely suspend the remaining discovery deadlines until a determination of the pending 26 summary judgment regarding exhaustion is issued. If the motion is denied, the Court will issue an 27 amended discovery order with new deadlines. If the motion is granted, the action would be 28 dismissed, and discovery deadlines would be immaterial. In that way, no party is disadvantaged 1 by the requested stay. Next, considering the hardship or inequity which a party might suffer in 2 being required to go forward, the Court finds Defendants would suffer such hardship by being 3 required to participate in discovery to meet the deadlines previously imposed before their pending 4 motion is decided. Finally, the Court finds the orderly course of justice favors a stay of these 5 proceedings because resolution of Defendants' pending summary judgment motion concerning 6 exhaustion has the potential to result in a dismissal of this action. In any event, a stay of these 7 proceedings would not complicate the issues, proof, or questions of law. *CMAX, Inc.*, 300 F.2d at 8 268. 9 Further, Defendants'

requested stay of these proceedings is limited to the period it will take for the undersigned to issue a final ruling on their motion. Thus, it is neither indefinite nor especially long. *Dependable Highway Exp., Inc.*, 498 F.3d at 1066-67; *Yong*, 208 F.3d at 1119. In sum, Defendants have met their burden of establishing the need to stay this action. *Clinton*, 13 520 U.S. at 708. Defendants' motion is granted. Plaintiff's Motion to Compel (Doc. 87) Plaintiff filed a motion to compel on March 10, 2025. (Doc. 87.) It is two pages long⁴ and asks the Court to compel responses from Defendants to written discovery propounded by Plaintiff, including requests for production, requests for admission, interrogatories, and depositions. Plaintiff states he has "provided the Defendants" with his discovery requests and states, "this has been a period of several weeks since these discovery requests were delivered by U.S. mail" and that Defendants "have filed several documents since while ignoring, and refusing to respond." Plaintiff contends Defendants' refusal to respond amounts to his "being 'Deliberately Hindered,' 'In Bad Faith' to 'Stymie' a plaintiff's ability to achieve Justice, and in so doing "is over complicating this case." Plaintiff also asserts Defendants are acting "knowingly and willfully." Defendants oppose Plaintiff's motion. (Doc. 94.) Defendants contend Plaintiff's motion is premature and moot. They further contend Plaintiff's motion is "potentially moot" considering their pending motion to stay discovery. Defendants maintain "no discovery remains outstanding" to Plaintiff. Defendants' opposition is supported by the Declaration of Ryan T. Gille. (Doc. 94- 2 1.) Defense counsel declares his office served responses to Plaintiff's discovery on March 18, 3 2025; attached to the declaration as an exhibit is a Proof of Service indicating seven sets of 4 discovery responses were mailed to Plaintiff on that date. 5 First, Plaintiff's motion is procedurally deficient. Plaintiff fails to indicate any date upon 6 which he purportedly mailed any discovery to Defendants, and copies of the discovery requests 7 were not included. Without a date reference, the Court cannot discern whether any discovery is 8 overdue. 9 Nevertheless, Defendants contend, in the absence of any evidence or indication to the 10 contrary, that Plaintiff served his discovery requests on February 13, 2025, making their 11 responses due on or before April 2, 2025. Therefore, the instant motion—filed on March 10, 12 2025—is premature. Moreover, Defendants have established their responses were served to 13 Plaintiff on March 18, 2025, rendering Plaintiff's motion to compel moot. 14 In sum, Plaintiff's motion to compel is denied as premature and moot.

15 III. CONCLUSION AND ORDER

16 Accordingly, based upon the foregoing, the Court HEREBY ORDERS: 17 1. Plaintiff's motion to amend (Doc. 81) is DENIED; 18 2. Plaintiff's motions of February 13, 2025 (Doc. 82) and February 18, 2025 (Doc. 83) 19 seeking injunctive relief are DENIED; 20 3. Defendants' motion to stay discovery (Doc. 86) is GRANTED. The Court will issue 21 an amended scheduling order following resolution of Defendants' summary judgment 22 motion concerning exhaustion, if necessary; 23 4. Plaintiff's motion to compel (Doc. 87) is DENIED; and, 24 // 25 // 26 // 27 // 28 // 1 5. The Court will issue an order on Defendants' motion for summary judgment in due 2 course.°

No further motion practice will be permitted until Defendants' pending 3 summary judgment motion is addressed. 4 | ITIS SO ORDERED. >| Dated: _ April 14, 2025 bo

6 UNITED STATES MAGISTRATE JUDGE

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 > That motion was considered
fully briefed and submitted for decision with the filing of Defendants' reply on March 24, 2025.
See Local Rule 230(/). 10