

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Joe Martinez, Jr. v. Sergeant Villanueva

Martinez v. Villanueva · No. 1:24-cv-00527-JLT-EPG (PC) · Decided October 6, 2025

OPINION

Pogue

PER CURIAM.

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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 9 JOE MARTINEZ, JR., Case No. 1:24-cv-00527-JLT-EPG (PC) 10 Plaintiff, ORDER
REQUIRING STATEMENTS

FROM PARTIES REGARDING

11 SCHEDULE AND DISCOVERY

12 v. THIRTY (30) DAY DEADLINE

13

14 SERGEANT VILLANUEVA,

15 Defendant(s). 16 17 The Court has screened Plaintiff's complaint and has ordered the case to
proceed. Before 18 scheduling this case, the Court will require each party to submit a statement
regarding the 19 schedule and discovery matters. 20 The statements regarding the schedule and
discovery shall be filed within thirty days from 21 the date of service of this order. They should be
filed with the Court, titled "SCHEDULING 22 AND DISCOVERY STATEMENT," and include
the name of the party filing the statement. 23 They shall address all of the following issues: 24 i. A
brief summary of the parties' claims and/or defenses. 25 ii. The name and, if known, the address
and telephone number of each witness, 26 besides expert witnesses, the party may call at trial. 27
iii. A description by category and location of all documents the party may use at 28 trial. 1 iv.
Whether any third parties, other than Plaintiff's institution of confinement, are 2 likely to have
relevant documents. 3 v. Whether the party intends to use expert witnesses. 4 vi. If a settlement
conference has not occurred, when the party will be prepared to 5 participate in a settlement
conference. 6 Defendant(s)' Scheduling and Discovery Statement shall also address all of the
following 7 issues: 8 vii. Whether a third party subpoena directed at Plaintiff's institution of 9
confinement will be necessary to obtain relevant documents. 10 viii. Whether Defendant(s) intend
to challenge the issue of exhaustion and, if so, 11 when Defendant(s) will be ready to file a motion
for summary judgment 12 regarding the issue of exhaustion. 13 ix. Whether witness statements
and/or evidence were generated from 14 investigation(s) related to the event(s) at issue in the

complaint, such as an investigation stemming from the processing of Plaintiff's grievance(s).¹
16 x. Whether there are any video recordings or photographs related to the incident(s) at issue
in the complaint, including video recordings and 18 photographs of Plaintiff taken following the
incident(s). 19 xi. Whether Defendant(s) intend to argue that Defendant(s) are not properly 20
named because they are not the individual(s) responsible for the action(s) 21 described in the
complaint (i.e., someone else did or is responsible for the 22 action(s) alleged in the complaint).
23 \\\ 24 \\\ 25 \\\ 26 1 See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) ("[P]roper exhaustion
improves the quality of those prisoner suits that are eventually filed because proper exhaustion
often results in the creation of an administrative 27 record that is helpful to the court. When a
grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified
and questioned while memories are still fresh, and evidence can be gathered and 28 preserved.").
1 Finally, any party may also include any information that the party believes would assist in 2 ||
discovery and/or scheduling the case. 3 4 IT IS SO ORDERED. S| Dated: _ October 6, 2025 [Jee
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6 UNITED STATES MAGISTRATE JUDGE

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