

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

Guillermo Nuno v. D. Eslick, et al.

Nuno v. Eslick · No. 1:21-cv-00769-KES-SAB (PC) · Decided January 13, 2026

OPINION

Eslick

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 GUILLERMO NUNO, No. 1:21-cv-00769-KES-SAB (PC)

12 Plaintiff, ORDER REGARDING PLAINTIFF’S

MOTION TO COMPEL

13 v. (ECF No. 121) 14 D. ESLICK, et al. 15 Defendants. 16 17 Plaintiff is proceeding pro se and
in forma pauperis in this action filed pursuant to 42 18 U.S.C. § 1983. 19 Currently before the
Court is Plaintiff’s motion to compel, filed December 11, 2025. 20 I.

21 BACKGROUND

22 This action is proceeding on Plaintiff’s retaliation claims against Defendants Eslick, 23
Satterfield, and Flores. 24 On September 16, 2025, the Court issued an amended scheduling order
setting forth new 25 discovery and dispositive motion deadlines. (ECF No. 120.) 26 On December
11, 2025, Plaintiff filed a motion to compel discovery. (ECF No. 121.) 27 Defendants filed an
opposition December 18, 2025. (ECF No. 122.) 28 /// 1 II.

2 LEGAL STANDARD

3 Defendant is entitled to conduct discovery, which includes the deposition of Plaintiff, to 4 obtain
all information pertaining to the factual allegations, and legal claims and defenses at issue 5 in this
action. Fed. R. Civ. P. 26(b)(1) & 30. Federal Rules of Civil Procedure 30(a)(2)(B) and 6 (b)(1)
allow a party to depose a prisoner by oral examination if the party obtains leave of court 7 and
gives other parties “reasonable written notice” of the time and place of the deposition and, if 8
known, the deponent’s name and address. “An objection at the time of the examination – whether
9 to evidence, to a party’s conduct, to the officer’s qualifications, to the manner of taking the 10
deposition, or to any other aspect of the deposition – must be noted on the record, but the 11
examination still proceeds.” Fed. R. Civ. P. 30(c)(2). Objections must be stated concisely in a 12
non-argumentative and non-suggestive manner. Id. The only authorized exceptions for a 13
deponent to not answer a question are “when necessary to preserve a privilege, to enforce a 14

limitation ordered by the court, or to present a motion under Rule 30(d)(3) [motion to terminate or 15 limit deposition].” 16 What is privileged is defined by the Federal Rules of Evidence; these rules include the 17 privilege against self-incrimination. *Campbell v. Gerrans*, 592 F.2d 1054, 1057 (9th Cir. 1979). 18 “The principle of Fifth Amendment protection has been construed to permit the privilege to be 19 asserted ‘in any proceeding, civil or criminal, administrative or judicial, investigatory or 20 adjudicatory.’ ” *Id.* (quoting *Kastigar v. United States*, 406 U.S. 441, 444 (1972)). The Fifth 21 Amendment privilege against self-incrimination applies to evidence that may directly support a 22 criminal conviction, information that would furnish a link in the chain of evidence that could lead 23 to prosecution, and evidence that a witness reasonably believes could be used against him in a 24 criminal prosecution. *Maness v. Meyers*, 419 U.S. 449, 461 (1972). 25 A failure to participate in discovery is in violation of Fed. R. Civ. P. 30 and 37. Under 26 Rule 30(d)(2), the court may impose sanctions for impeding, delaying, or frustrating the fair 27 examination of the deponent. Under Federal Rule of Civil Procedure 37, when an adverse party 28 fails to cooperate in discovery, the party seeking discovery may move to compel disclosure or 1 discovery. Fed. R. Civ. P. 37(a)(1). In particular, this type of motion may be made if a deponent 2 fails to answer a deposition question: “[A]n evasive or incomplete disclosure, answer, or response 3 must be treated as a failure to disclose, answer, or respond.” Fed. R. Civ. P. 37(a)(3)(B) (i) & 4 37(a)(4). If the motion is granted and the deponent thereafter fails to comply with the court’s 5 order to answer a deposition question, the failure may be treated as contempt of court and the 6 court may issue a variety of sanctions, including dismissal of the action. See Fed. R. Civ. P. 7 37(b). 8 III.

9 DISCUSSION

10 A. Plaintiff’s Motion to Compel 11 Plaintiff seeks to compel further responses to requests for production numbers 1 through 12 4, and request for admissions numbers 1 and 2.1 13 Defendants oppose Plaintiff’s motion and argue that the requests for production of 14 documents “are grossly overbroad, unduly burdensome, and not reasonably proportional to the 15 needs of the case.” (ECF No. 122 at 4.) Defendants also argue that the request for admissions 16 “seek irrelevant information not proportional to the needs of the case.” (*Id.* at 9.) 17 1. Request for Production of Documents No. 1 18 Plaintiff seeks documents for the “logs of each Defendant’s work assignments on dates 19 10/17/19, 10/29/19, 12/17/19, 12/19/19, 2/10/20, 5/28/21, 1/25/21, 5/13/20, 5/18/20, 1/7/21.” 20 (ECF No. 121 at 6, 14.) Plaintiff seeks the work logs for Officers Satterfield and Flores for ten 21 specific dates spanning October 2019 to May 2021. 22 Defendants argue that “[t]his request is improper because it demands irrelevant 23 information for dates not pertinent to the operative complaint, and the burden of production 24 outweighs any potential relevance. Discovery must be “relevant to any party’s claim or defense” 25 as articulated in the operative complaint. 26 The allegations in the operative second amended complaint relate to three incidents 27 involving Defendant Satterfield (October 17, 2019; December 17, 2019; February 10, 2020; 28 1 The Court notes that Plaintiff’s motion to compel does not involve

discovery directed to Defendant Eslick.

1 February 16, 2020; and March 22, 2020)² and an incident involving Defendant Flores on 2 December 17, 2019. (ECF No. 119.)

3 Plaintiff's request for production of documents no. 1 seeks documents for the six 4 additional dates: October 29, 2019, December 19, 2019, May 13, 2020, May 18, 2020, January 7, 5 2021, January 25, 2021, and May 28, 2021. (ECF No. 121 at 6.) Plaintiff has failed to 6 demonstrate how the officers' personnel records for work assignments on the above six additional 7 dates are relevant to his retaliation claims. Indeed, the six additional dates are not mentioned in 8 the operative second amended complaint and do not appear to relate to whether Defendants acted 9 in retaliation on the specified dates in the operative complaint. Consequently, documents related 10 to dates that are not relevant to the claims at issue are not discoverable. 11 In addition, notwithstanding their objections, on the three relevant dates of the requests 12 (10/17/19, 12/17/19, and 2/10/20), Defendants submit that Plaintiff's request for the work logs is 13 mooted by the evidence previously produced. More specifically, Defendants submitted a Rules 14 Violation Report drafted by Satterfield on February 10, 2020, which confirms his presence at the 15 facility on that date. (See ECF No. 106 at 52.) Defendants also submitted the declaration of the 16 custodian of records at Sierra Conservation Center (SCC) which confirmed that Satterfield and 17 Flores had a regular day off and were not working on October 17, 2019. (ECF No. 122-2, at 2.) 18 It was also confirmed that on December 17, 2019, Flores worked as a Facility C, Floor 1 officer 19 on third watch and Satterfield worked as a Facility C, Patrol 3 officer on third watch. (Id.) 20 Ruling: Plaintiff's motion to compel further responses is denied. 21 2. Request for Production of Documents No. 2 22 Plaintiff seeks "Grievances/602s against each Defendant." (ECF No. 121 at 7, 15.) 23 Defendants objected to this request on the grounds that it is vague, grossly overbroad in 24 time and scope and would violate the privacy rights of third parties. Defendants also objected to 25 this request to the extent it sought information not relevant to any claim or defense and not 26 reasonably proportional to the needs of the case. (ECF No. 121 at 7-8, 15-16.) 27 /// 28 2 The February 16, 2020 and March 2020, dates are not specified in Plaintiff's request for production no. 1. 1 Plaintiff argues that prior grievances and/or lawsuits are relevant to show the "character of 2 defendants potentially patterns." (ECF No. 121 at 2.) 3 Ruling: Plaintiff's motion to compel is granted. Defendants' objections that Plaintiff is 4 seeking records as impermissible character evidence are overruled. See *Villery v. Crounse*, No. 5 1:18-cv-1623 NONE SKO P, 2021 WL 5040379, at *4 (E.D. Cal. Oct. 29, 2021) (granting 6 motion to compel inmate appeals classified as staff complaints filed by inmates other than 7 plaintiff). "Information within th[e] scope of discovery need not be admissible in evidence to be 8 discoverable." Fed. R. Civ. P. 26(b)(1). Additionally, while character evidence may not be 9 admissible at trial, admissibility is not the test for discovery because that evidence may be 10 admissible for other purposes. *Taylor v. O'Hanneson*, No. 1:11-cv-00538 LJO SAB PC, 2014 11 WL 2696585, at *5 (E.D. Cal. June 13, 2014). "Courts generally order production of complaints 12 that involve

allegations of similar incidents or allegations of dishonesty.” *Whitely v. CDCR*, No. 13 2:18-cv-01103 RGK AGR, 2021 WL 840067, at *2 (C.D. Cal. Jan. 29, 2021). Plaintiff’s request 14 for inmate grievances and appeals is appropriate as they relate to other incidents of retaliation. 15 Defendants’ “privacy concerns do not make the entire document privileged and beyond 16 the scope of discovery” because such “concerns can be addressed with a protective order and/or 17 the redaction of identifying information.” See *Ramirez v. Gutierrez*, Case No.:20-cv-1109- 18 MMA(BLM), 2021 WL 4776332, at *6 (S.D. Cal. Oct. 12, 2021); see also *Eusse v. Vitela*, Case 19 No.: 3:13-cv-00916-BEN-NLS, 2015 WL 9008634, at *5 (S.D. Cal. Dec. 14, 2015) (“[T]he 20 names and identifying information of the individuals who made the complaints, as well as other 21 officers who were not involved in the incident, may be redacted.”); *Thompson v. Morales*, No. 22 1:04-cv-06554-SMS PC, 2008 WL 413757, at *1 (E.D. Cal. Feb. 13, 2008) (“Privacy concerns, if 23 any, may be addressed by redaction of names, CDC numbers, and other identifying information 24”). Therefore, if the requested production in this case will require disclosure of confidential 25 information, Defendants may redact such information. 26

3. Request for Production of Documents No. 3 27 Plaintiff seeks “Facility C Logs of violent occurrences in 2019 and 2020.” (ECF No. 121 28 at 8, 16.) Defendants objected to this request because it was vague and ambiguous and unclear 1 what documents Plaintiff was seeking, the production of which would in any event be deemed 2 confidential under the official-information privilege. (ECF No. 121 at 8, 16.) Defendants also 3 objected to this request to the extent it sought documents that were not relevant to any of 4 Plaintiff’s claims against Defendants for First Amendment retaliation claim and thus, not 5 reasonably proportional to the needs of the case. (Id.) 6 In his motion, Plaintiff claims because Defendants alleged in their summary judgment 7 motion that Special Needs Yards are safer, the logs would show “[un]professionalism and/or 8 neglect in these yards.” (ECF No. 121 at 2.) 9

Ruling: Plaintiff’s motion to compel is denied. Plaintiff has failed to demonstrate how 10 the logs are relevant to his First Amendment retaliation claims. To proceed on a retaliation claim 11 Plaintiff must demonstrate that his protected conduct was the “substantial” and “motivating” 12 factor behind Defendants’ actions. *Brodheim v. Cry*, 584 F.3d 1262, 1271 (9th Cir. 2009). 13 Documentation of violent occurrences involving other inmates, is not on its face, relevant to 14 provide retaliatory intent on the part of Defendants Satterfield and Flores toward Plaintiff. In 15 addition, Defendants submit that there are no “logs” per se of “violent occurrences” at the 16 institution. (Toubeaux Decl. ¶ 9.) 17

4. Request for Production of Documents No. 4 18 Plaintiff seeks “inmate photos (only) of those assigned to yard crew c in 2019 and 2020.” 19 (ECF No. 121 at 8, 16.) Plaintiff seeks two years of yard crew photos to allegedly identify 20 witnesses. Defendants objected to this request on the grounds that it violates the privacy rights of 21 third parties, seeks documents that violate the official-information privilege, the disclosure of 22 which would threaten the institution, and that such a request was not relevant to Plaintiff’s First 23 Amendment retaliation claims against Defendants and not reasonably proportional to the needs of 24 the case. (Id. at 8-9, 16-17.) 25 Plaintiff now seeks to

compel a further response to this request arguing this request is 26 needed to inform the Court “how this case began.” (ECF No. 121 at 2.) Plaintiff further contends 27 that “even a portion of these photos would add clarity as to why there was a complaint to begin 28 with...” and to “reserve privacy, names, facial details can be blacked out...” (Id. at 4.) 1 Ruling: Plaintiff’s motion to compel is denied. Plaintiff has offered no rationale for why 2 photographs for a period of two years would be relevant to his First Amendment retaliation 3 claims against Satterfield and Flores. In addition, directing the institution to search, compile, and 4 redact photographs of an unknown amount of inmates—who are not related to the case---would 5 violate the third-party privacy rights of those inmates,3 and such evidence is not relevant to 6 Plaintiff’s retaliations claims or reasonably proportional to the needs of the case. (Toubeaux 7 Decl. ¶ 10.) 8 5. Request for Admissions Nos. 1 and 2 9 In request for admission nos. 1 and 2 ask Defendants to admit that phone records would 10 show Defendants have had contact outside of work (request for admission no. 1) and that 11 Defendants have contacted each other outside of work (request for admission no. 2). (ECF No. 12 121 at 11-12, 19-20.) Defendants objected to these requests on the grounds that each request was 13 vague and ambiguous in time and scope, overbroad, and sought irrelevant information not 14 proportional to the needs of the case. (Id.) 15 Plaintiff submits that these requests would explain why Satterfield would “go out of his 16 scope to violate, intimidate, threaten ...Plaintiff,” further claiming, “even a portion of phone 17 records would be of significant value...” (ECF No. 121 at 3.) 18 Ruling: Plaintiff’s motion to compel is denied. Given that Plaintiff is proceeding on 19 claims of retaliation, an admission that Defendants had contact outside of work, does not support 20 that they acted together to violate Plaintiff’s First Amendment rights by taking adverse action 21 (e.g., fabricating reports, destroying property). Thus, notwithstanding Defendants’ overbreadth 22 objection, an admission that Defendants had contact outside of work does not, on its own, prove 23 or disprove the alleged retaliatory acts or collusion related to Plaintiff. Indeed, even if the phone 24 records establish that a call was made it would not show what was said during that call. 25 3 The right of privacy is not, however, “an absolute bar to discovery and courts must balance the need for the information against the claimed privacy right.” *Harris v. Kyle*, No. 1:19-cv-0462-DAD-EPG-PC, 2021 WL 195477, 26 at *2 (E.D. Cal. Jan. 20, 2021) (citing *Allen v. Woodford*, No. CV-F-05-1104-OWW-LJO, 2007 WL 309485, at *5 (E.D. Cal. Jan. 30, 2007)); see also *Soto v. City of Concord*, 162 F.R.D. 603, 616 (N.D. Cal. 1995) (“Resolution of 27 the privacy objection requires a balancing of the need for the information sought against the privacy right asserted.”). Here, given the minimal potential relevance of the photographs, the Court finds that the need for the requested 28 information does not outweigh the right of third-party inmates to privacy. 1 | Consequently, the phone records do not bear on the material issues of this case. 2 IV.

3 CONCLUSION AND ORDER

4 Based on the foregoing, it is HEREBY ORDERED that: 5 1. Plaintiff's motion to compel, (ECF No. 121) is granted with respect to request for 6 production no. 2, and Defendants shall produce

responsive documents, subject to 7 any redaction as may be necessary to protect the privacy interests of inmates and 8 other third-parties, within thirty days from the date of service of this order; and 9 2. Plaintiff's motion to compel is denied in all other respects. 10

IT IS SO ORDERED. DAA Le

12 | Dated: _January 12, 2026 _ Oe

STANLEY A. BOONE

13 United States Magistrate Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28