

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Colton James Rood v. Carrillo

Rood v. Carrillo · No. 1:22-cv-00449-SAB (PC) · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Defendant’s motion to compel in a prisoner civil rights action. The court ordered Plaintiff to serve further responses to discovery requests within fourteen days of service of the order.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:22-cv-00449-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a 42 U.S.C. § 1983 civil rights action, opposed Defendant's motion to compel responses to discovery requests.
STANDARD OF REVIEW	Discovery-management decisions and motions to compel are committed to the court's discretion; under the Federal Rules of Civil Procedure, evasive or incomplete discovery responses are treated as failures to respond.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- civil rights
- sanctions

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Defendant was entitled to an order compelling Plaintiff to provide further responses to the outstanding discovery requests.
2. Whether Plaintiff's asserted extraordinary circumstances and contention that the motion was premature justified denying or deferring the motion to compel.

HOLDINGS

1. A party may move to compel discovery when the opposing party fails to provide adequate responses, and an evasive or incomplete response is treated as a failure to respond under Federal Rule of Civil Procedure 37.
2. Plaintiff was required to submit further responses to Defendant's discovery requests served on November 21, 2024, within fourteen days after service of the order.

KEY QUOTATIONS

“An objection at the time of the examination – whether to evidence, to a party’s conduct, to the officer’s qualifications, to the manner of taking the deposition, or to any other aspect of the deposition – must be noted on the record, but the examination still proceeds.” (at 1)

*“Based on Plaintiff's concession that he will provide further responses to Defendant’s outstanding discovery requests, it is **HEREBY ORDERED**:” (at 2)*

FACTUAL BACKGROUND

Defendant served Plaintiff with interrogatories and requests for production on November 21, 2024. Defendant contended that Plaintiff's responses were deficient and evasive. Plaintiff asserted that extraordinary circumstances impaired his ability to respond fully but conceded that he would provide further responses.

PROCEDURAL HISTORY

Defendant moved to compel Plaintiff's further responses to interrogatories and document requests served on November 21, 2024. Plaintiff opposed the motion, asserting extraordinary circumstances and arguing that the motion was premature, while conceding that he would provide further responses. The court granted the motion and ordered Plaintiff to serve further responses within fourteen days after service of the order.

DISPOSITION

other

CASES CITED

- Campbell v. Gerrans, 592 F.2d 1054, 1057 (9th Cir. 1979)
- Kastigar v. United States, 406 U.S. 441, 444 (1972)
- Maness v. Meyers, 419 U.S. 449, 461 (1975)

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 COMPEL 11 v. (ECF No. 78) 12 CARRILLO, 13 Defendant. 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 compel, filed March
10, 2025.

(ECF 18 No. 78.) Plaintiff filed an opposition on May 9, 2025, along with a separate motion to
extend the 19 deadline for his discovery responses. (ECF Nos. 84, 85.) Defendant filed a reply on
May 19, 20 2025. (ECF No. 89.) 21 On May 27, 2025, the Court granted Plaintiff’s motion to
extend the time to respond to 22 Defendant’s discovery requests until 14 days after the Court rules
on Defendant’s motion to 23 compel in ECF No. 78 or 14 days after Court has rules on
Defendant’s pending motion for 24 summary judgment in ECF No. 77, whichever is later.

(ECF No. 92.) 25 I. 26 LEGAL STANDARD 27 Defendants are entitled to conduct discovery,
which includes the deposition of Plaintiff, to 28 obtain all information pertaining to the factual
allegations, and legal claims and defenses at issue 1 in this action. Fed. R. Civ. P. 26(b)(1) & 30.
Federal Rules of Civil Procedure 30(a)(2)(B) and 2 (b)(1) allow a party to depose a prisoner by
oral examination if the party obtains leave of court 3 and gives other parties “reasonable written
notice” of the time and place of the deposition and, if 4 known, the deponent's name and address.
“An objection at the time of the examination – whether 5 to evidence, to a party’s conduct, to the
officer’s qualifications, to the manner of taking the 6 deposition, or to any other aspect of the
deposition – must be noted on the record, but the 7 examination still proceeds.” Fed.

R. Civ. P. 30(c)(2). Objections must be stated concisely in a 8 non-argumentative and non-
suggestive manner. Id. The only authorized exceptions for a 9 deponent to not answer a question
are “when necessary to preserve a privilege, to enforce a 10 limitation ordered by the court, or to
present a motion under Rule 30(d)(3) [motion to terminate or 11 limit deposition].” 12 What is
privileged is defined by the Federal Rules of Evidence; these rules include the 13 privilege against
self-incrimination.

Campbell v. Gerrans, 592 F.2d 1054, 1057 (9th Cir.1979). 14 “The principle of Fifth Amendment
protection has been construed to permit the privilege to be 15 asserted ‘in any proceeding, civil or
criminal, administrative or judicial, investigatory or 16 adjudicatory.’ ” Id. (quoting Kastigar v.
United States, 406 U.S. 441, 444 (1972)).

The Fifth 17 Amendment privilege against self-incrimination applies to evidence that may directly
support a 18 criminal conviction, information that would furnish a link in the chain of evidence
that could lead 19 to prosecution, and evidence that a witness reasonably believes could be used
against him in a 20 criminal prosecution. Maness v. Meyers, 419 U.S. 449, 461 (1972).

21 A failure to participate in discovery is in violation of Fed. R. Civ. P. 30 and 37. Under 22 Rule 30(d)(2), the court may impose sanctions for impeding, delaying, or frustrating the fair 23 examination of the deponent.

Under Federal Rule of Civil Procedure 37, when an adverse party 24 fails to cooperate in discovery, the party seeking discovery may move to compel disclosure or 25 discovery. Fed. R. Civ. P. 37(a)(1). In particular, this type of motion may be made if a deponent 26 fails to answer a deposition question: “[A]n evasive or incomplete disclosure, answer, or response 27 must be treated as a failure to disclose, answer, or respond.” Fed.

R. Civ. P. 37(a)(3)(B)(i) & 28 37(a)(4). If the motion is granted and the deponent thereafter fails to comply with the court’s 1 | order to answer a deposition question, the failure may be treated as contempt of court and the 2 | court may issue a variety of sanctions, including dismissal of the action. See Fed. R. Civ. P. 3 | 37(b). 4 II. 5 DISCUSSION AND ORDER 6 Defendant submits that interrogatories and document requests were served on Plaintiff, 7 | but his responses were deficient and evasive.

8 Plaintiff argues that he “faced extraordinary circumstances that impaired his ability to 9 | respond to discovery requests fully[,]” and Defendant’s motion is premature. (ECF No. 84.) 10 | Plaintiff submits that he “acted diligently under the circumstances and remains committed to 11 || cooperating with discovery to the extent reasonably possible.” (Id.) 12 While Defendant argues that motion to compel is not premature, Defendant agrees to 13 | extend the deadline for Plaintiff to respond to the discovery requests.

14 Based on Plaintiff’s concession that he will provide further responses to Defendant’s 15 | outstanding discovery requests, it is HEREBY ORDERED: 16 1. Defendant’s motion to compel, (ECF No. 78) is granted; and 17 2. Within fourteen (14) days from the date of service of this order, Plaintiff shall 18 submit further responses to Defendant’s discovery requests which were served on 19 November 21, 2024.

20 21 IT IS SO ORDERED. DAA Le 23 | Dated: _ December 15, 2025 STANLEY A. BOONE 24 United States Magistrate Judge 25 26 27 28