

**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

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

