

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lopez v. Lee

No. 23-cv-03660-HSG (N.D. Cal. Sept. 16, 2025) · No. 23-cv-03660-HSG · Decided September 16, 2025

SUMMARY

The United States District Court for the Northern District of California addresses three motions to compel in a pro se prisoner civil-rights action alleging First Amendment retaliation and California Bane Act violations. The court generally denies requests challenging discovery objections, seeking disproportionate or privileged materials, or asking the court to make factual findings, while granting in part and denying in part the second motion to compel. The order concerns discovery related to alleged restrictions on telephone, yard, shower, and out-of-cell access at Pelican Bay State Prison.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 16, 2025
DOCKET	23-cv-03660-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery in a pro se prisoner civil-rights action. The court addressed three motions to compel under Federal Rule of Civil Procedure 37.
STANDARD OF REVIEW	The court evaluated whether the challenged discovery responses and objections warranted relief under Federal Rule of Civil Procedure 37, including whether the requested discovery was relevant, proportional to the needs of the case, unduly burdensome, privileged, or insufficiently answered.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order
PARTIES	Andrew Lopez v. M. Lee, S. Cupp, Hamner, Cross, Brewer, K. Davis

TOPICS

- discovery dispute
- civil procedure
- section 1983
- first amendment
- sanctions

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

discovery

QUESTIONS PRESENTED

1. Whether defendants' relevance, proportionality, burden, privacy, and official-information-privilege objections warranted striking the objections or compelling further responses.
2. Whether defendants were required to provide discovery concerning co-defendants' duties, third parties, other inmates, broad time periods, social-media accounts, electronic devices, and prison records.
3. Whether defendants' responses to specified requests for admission were insufficient because they asserted inadequate knowledge, denied requests based on objections, or refused to respond.
4. Whether defendants properly invoked the official-information privilege and whether production of correctional officers' post orders was warranted.

HOLDINGS

1. A motion to compel is not a vehicle for requiring the court to determine that discovery requests are relevant, that responses are false, or that objections are legally meritless when the responding party has provided a substantive response or a good-faith objection.
2. Relevance alone does not establish discoverability; discovery must also be proportional to the needs of the case, and requests may be denied when their limited relevance is outweighed by burden, expense, privacy concerns, or security concerns.
3. A responding party is not required to investigate matters involving third parties or co-defendants, authenticate documents not previously seen, or definitively answer requests concerning events or records in which the party had no involvement.
4. Defendants properly invoked the official-information privilege by submitting a declaration addressing the required privilege factors, and the correctional officers' post orders need not be produced because the request was disproportionate and security concerns outweighed the limited relevance.
5. Defendants must serve supplemental responses to specified requests for admission where they claimed insufficient knowledge about events involving the responding defendant, denied requests based solely on objections, or refused to provide any response to relevant requests.

KEY QUOTATIONS

“Relevance alone does not establish discoverability. Discovery must also be proportional to the needs of the case.”

“A motion to compel under Fed. R. Civ. P. 37 is appropriate where a party has a good-faith basis for believing that the responding party’s failure to respond or denial is unjustified”

FACTUAL BACKGROUND

Lopez, an inmate formerly housed at Pelican Bay State Prison, alleged that prison officers denied or limited his phone, yard, shower, and out-of-cell time between 2020 and 2021 in retaliation for his grievance activity. During discovery, he served more than 400 requests and challenged virtually every response, seeking information about prison procedures, other inmates, staff duties, phone records, social-media accounts, and prison documents. Defendants asserted relevance, proportionality, burden, privacy, and official-information-privilege objections, while providing substantive or qualified responses to many requests.

PROCEDURAL HISTORY

Lopez filed a civil-rights action alleging that Pelican Bay State Prison officers retaliated against him for filing grievances. The complaint was screened as stating cognizable First Amendment retaliation claims and California Bane Act claims against the identified officers. Lopez then filed three motions to compel, challenging discovery objections, substantive responses, privilege assertions, and requests for admissions. The court denied the first and third motions in their entirety and granted the second in part, ordering supplemental responses to specified requests for admission.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Defendants were ordered to serve supplemental responses within two weeks to the specified requests for admission. The first and third motions to compel were denied in their entirety; the second was granted in part and denied in part.

CASES CITED

- Allen v. City of Sacramento, 234 Cal. App. 4th 41, 66, as modified on denial of reh'g (Cal. Ct. App. 2015)
- Soto v. City of ...

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