

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Leandre Martell v. Officer D. Lowery, et al.

Martell · No. 2:24-cv-00159-GMN-MDC · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Nevada granted Leandre Martell’s motion to compel and motion for production of documents in an action against Officer D. Lowery and other defendants. The court compelled defendants to respond to the discovery requests, while requiring the parties to meet and confer before raising any objections in future motions.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Maximiliano D. Couvillier, III
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 5, 2025
DOCKET	2:24-cv-00159-GMN-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery and separately moved for production of documents. The court construed the production motion as a motion to compel documents and granted both motions.
STANDARD OF REVIEW	The district court has wide discretion in controlling discovery.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Leandre Martell v. Officer D. Lowery, et al.

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- civil rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiff's motion to compel discovery should be granted.

2. Whether plaintiff's motion for production of documents should be construed as a motion to compel documents and granted.
3. Whether defendants should be required to meet and confer with plaintiff before filing any discovery objections or related motions.

HOLDINGS

1. The motion to compel was granted, and defendants were ordered to respond to plaintiff's discovery requests.
2. The motion for production of documents was construed as a motion to compel documents and was granted.
3. Granting the motions did not waive defendants' objections; any objections must be addressed after the parties meet and confer before a motion is filed.

KEY QUOTATIONS

“The district court has wide discretion in controlling discovery[.]” (at 1)

“The Court notes that defendants have not waived any objections to the discovery requests.” (at 1)

“If defendants want to raise any objections to any of plaintiff's requests in the Motions, the parties must meet and confer before filing any motions with the court.” (at 2)

FACTUAL BACKGROUND

Plaintiff sought discovery and production of documents from defendants. The court considered the circumstances of the case and plaintiff's recent incarceration in finding good cause to grant the motions. Defendants did not oppose the production motion, although the court preserved their ability to assert objections after a required meet-and-confer.

PROCEDURAL HISTORY

In this prisoner civil-rights action, plaintiff filed a motion to compel and a motion for production of documents. The magistrate judge determined that the latter motion should be treated as a motion to compel documents, found good cause based on the circumstances of the case and plaintiff's recent incarceration, and ordered defendants to respond.

DISPOSITION

other

CASES CITED

- Tradebay, LLC v. eBay, Inc., 278 F.R.D. 597, 601 (D. Nev.)
- Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir.)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)

- Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir.)
- Britt v. Simi Valley United School District, 708 F.2d 452, 454 (9th Cir.)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Leandre Martell, Plaintiff,
No. 2:24-cv-00159-GMN-MDC 4 vs. ORDER GRANTING MOTION TO 5 COMPEL (ECF NO.
51) AND MOTION FOR Officer D. Lowery, et al., PRODUCTION OF DOCUMENTS (ECF NO.
6 Defendants. 56) 7 8 9 The Court has reviewed plaintiff's Motion to Compel ("Compel Motion")
(ECF No. 51) and 10 Motion for the Production of Documents ("Production Motion") (ECF No.
56) (collectively "Motions").

11 The Court interprets the Production Motion to be a Motion to compel documents. See ECF No.
56. "The 12 district court has wide discretion in controlling discovery[.]" Tradebay, LLC v. eBay,
Inc., 278 F.R.D. 13 597, 601 (D. Nev. 2011) (citing Little v. City of Seattle, 863 F.2d 681, 685 (9th
Cir. 1988)). Given the 14 circumstances of this case and of plaintiff recent incarceration, the Court
finds good cause to grant the 15 Motions.¹ Defendants are compelled to respond to plaintiff's
requests for discovery in the Motions.

The 16 Court notes that defendants have not waived any objections to the discovery requests. If
defendants want 17 to raise any objections to any of plaintiff's requests, the parties must meet and
confer before filing any 18 motions with the court.

The Court expects defense counsel to cooperate and coordinate any such meet 19 and confer
sessions with plaintiff. 20 // 21 // 22 // 23 // 24 25 1 Furthermore, defendants did not oppose the
Production Motion. 1 1 ACCORDINGLY, 2 IT IS ORDERED THAT: 3 1. Plaintiff's Motion to
Compel (ECF No. 51) is GRANTED. 4 2. Plaintiff's Motion for the Production of Documents
(ECF No. 56) is interpreted to be a 5 Motion to compel documents.

The Motion is GRANTED. 6 3. Defendants are compelled to respond to plaintiffs requests for
discovery in the Motions. 7 4. If defendants want to raise any objections to any of plaintiffs
requests in the Motions, the 8 parties must meet and confer before filing any motions.

The Court expects defense 9 counsel to cooperate and coordinate any such meet and confer
sessions with plaintiff. 10 IT IS SO ORDERED. 11 DATED: December 5, 2025 13
Hox/Maximiliand D,£ouvillier, II 4 Vnited "re Judge ° NOTICE 16 Pursuant to Local Rules IB 3-
1 and IB 3-2, a party may object to orders and reports and recommendations issued by the
magistrate judge.

Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-
1, 3-2. The Supreme Court has held that the courts of appeal 59 determine that an appeal has been
waived due to the failure to file objections within the specified 51 // time. Thomas v. Arn, 474 US.
140, 142 (1985). This circuit has also held that (1) failure to file objections 99 // within the

specified time and (2) failure to properly address and brief the objectionable issues waives the 23 || right to appeal the District Court's order and/or appeal factual issues from the order of the District Court.

24 || Martinez v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 25 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiff must immediately file written notification with the 1 court of any change of address.

The notification must include proof of service upon each opposing party's 2 attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this 3 4 rule may result in dismissal of the action. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 3