

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Radni Ghafoori v. Officer Duncan, et al.

Ghafoori v. Duncan · No. 2:24-cv-03306-DJC-SCR · Decided December 23, 2025

SUMMARY

This order adjudicates several pending discovery, scheduling, e-filing, protective-order, and judicial-disqualification motions in a pro se civil rights action. The court reopens discovery, modifies the scheduling deadlines, denies or partially grants the motions as specified, and refers the plaintiff’s motion for reconsideration to the assigned district judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	2:24-cv-03306-DJC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se in a § 1983 action, moved to extend discovery deadlines, compel discovery, obtain a protective order barring or delaying his deposition, obtain expert materials, e-file, and disqualify the magistrate judge. The court adjudicated the pending motions and modified the scheduling order.
STANDARD OF REVIEW	A scheduling order may be modified for good cause under Federal Rule of Civil Procedure 16(b), with the primary focus on the diligence of the party seeking modification. Recusal under 28 U.S.C. § 455(a) is evaluated from the perspective of whether a reasonable person would perceive a significant risk that the judge will resolve the case on a basis other than the merits.
PRECEDENTIAL VALUE	Nonprecedential trial-level order
PARTIES	Radni Ghafoori v. Officer Duncan, et al.

TOPICS

discovery dispute

civil procedure

motion for reconsideration

sanctions

section 1983

PRACTICE AREAS

Civil procedure

Civil rights litigation

Federal discovery

Judicial disqualification

QUESTIONS PRESENTED

1. Whether good cause existed under Federal Rule of Civil Procedure 16(b) to modify the scheduling order and deem plaintiff's untimely motion to compel timely.
2. Whether plaintiff was entitled to compel further production or obtain a privilege log.
3. Whether plaintiff could use a protective order to preclude or delay his own deposition until receiving satisfactory discovery responses.
4. Whether plaintiff's request for production of expert materials was properly filed and presented for judicial adjudication.
5. Whether plaintiff was entitled to permission to e-file as a pro se litigant.
6. Whether the magistrate judge was required to disqualify himself under 28 U.S.C. §§ 144 and 455.
7. Whether plaintiff's motion for reconsideration was properly before the magistrate judge or should be referred to the assigned district judge.

HOLDINGS

1. The court may modify the scheduling order upon a showing of good cause, primarily considering the diligence of the moving party. Although plaintiff filed his motion to compel after the applicable deadline, the court found him sufficiently diligent under the circumstances, deemed the motion timely, and reopened discovery in part.
2. The motion to compel was denied without prejudice because discovery was being reopened, defendants agreed to supplement nonprivileged production, and the parties were directed to meet and confer regarding additional requests. If defendants withhold otherwise discoverable information based on privilege, they must comply with Rule 26(b)(5)'s requirement to expressly claim privilege and describe the withheld materials.
3. A plaintiff's dissatisfaction with an opponent's discovery responses does not justify refusing to appear for or delaying a properly noticed deposition. Rule 26(c) does not generally authorize a plaintiff to preclude his own deposition, and Rule 30(d)(3) does not support refusing to appear before or during a deposition absent grounds such as bad faith or unreasonable annoyance, embarrassment, or oppression.
4. A request for production is not properly filed as a motion unless and until the discovery request is at issue. Plaintiff's filing was terminated as a pending motion because it was not a properly presented motion to compel or sanctions motion and did not comply with the meet-and-confer requirements.
5. A pro se litigant was not entitled to permission to e-file absent a reason to deviate from the local rule governing pro se filings, although the Clerk was directed to configure electronic filing notifications for plaintiff.

6. Adverse procedural rulings, disagreements over discovery management, and alleged dissatisfaction with the judge's comments did not establish personal bias, prejudice, or an objectively reasonable basis to question the judge's impartiality. The motion for disqualification was denied.
7. Plaintiff's request for reconsideration of a procedural order was not before the undersigned magistrate judge because plaintiff addressed it to the district judge; the Clerk was directed to refer it to the assigned district judge.

KEY QUOTATIONS

"Rule 16(b)'s good cause standard 'primarily considers the diligence of the party seeking the amendment.'"
(at 2)

"Federal Rule of Civil Procedure 26(b)(5) provides that where otherwise discoverable information is withheld on the basis of privilege, the party resisting production must expressly make the claim and 'describe the nature of the documents, communications, or tangible things not produced or disclosed.'" (at 5)

"The rules do not authorize one party to withhold discoverable material in retaliation for the opposing party's withholding of material." (at 6)

"Section 455(a) asks whether a reasonable person perceives a significant risk that the judge will resolve the case on a basis other than the merits." (at 10)

FACTUAL BACKGROUND

Plaintiff served discovery and filed a motion to compel on the deadline for completing fact discovery, after the parties had met and conferred but failed to resolve their disputes. Plaintiff also sought to reopen discovery, prevent or delay his deposition until defendants supplemented discovery, obtain expert-related materials, and disqualify the magistrate judge based principally on adverse procedural and discovery rulings. The parties disputed the scope and duration of any discovery extension, and defendants agreed to supplement nonprivileged discovery while asserting privilege as to certain requests.

PROCEDURAL HISTORY

Plaintiff filed the action on November 27, 2024, and was granted in forma pauperis status with service directed. Defendants answered, and the court issued a scheduling order requiring completion of non-expert discovery by October 3, 2025, with motions to compel heard by September 18, 2025. Plaintiff filed several motions after or near the discovery deadline. After a November 20, 2025 hearing, the court granted the extension motion in part, denied or disposed of the remaining motions as specified, and reopened and extended discovery.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608-09 (9th Cir. 1992)

- *Pena v. Taylor Farms, Inc.*, 305 F.R.D. 197, 206 (E.D. Cal. Feb. 10, 2015)
- *Branson v. Berryhill*, 2017 WL 1179160 (E.D. Cal. Mar. 30, 2017)
- *Nat'l Acad. of Recording Arts & Scis., Inc. v. On Point Events, LP*, 256 F.R.D. 678, 680 (C.D. Cal. 2009)
- *Lumbermens Mut. Cas. Ins. Co. v. Maffei*, 2006 WL 2709835, at *5 n.21 (D. Alaska Sept. 20, 2006)
- *Fresenius Med. Care Holding Inc. v. Baxter Int'l, Inc.*, 224 F.R.D. 644, 653 (N.D. Cal. 2004)
- *Apple v. Jewish Hosp. & Med. Ctr.*, 829 F.2d 326, 333 (2d Cir. 1987)
- *Clemens v. U.S. Dist. Ct. for the Cent. Dist. of Cal.*, 428 F.3d 1175, 1178-79 (9th Cir. 2005)
- *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995)
- *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986)

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