

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Reyes-Villanueva v. Tyson Pogue

Reyes-Villanueva · No. 1:24-cv-00493-JLT-EPG (PC) · Decided February 28, 2025

SUMMARY

The United States District Court for the Eastern District of California orders the parties to submit statements addressing scheduling and discovery matters within thirty days. The order limits the required submissions to Plaintiff Michael Reyes-Villanueva and Defendant Tyson Pogue, and specifies additional issues Defendant Pogue must address, including exhaustion, investigative materials, recordings, and proper-party arguments.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	1:24-cv-00493-JLT-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	After screening Plaintiff's prisoner civil-rights complaint and ordering the case to proceed, the court issued a scheduling and discovery order. The court had stayed the action as to the Wellpath Defendants but not as to Defendant Tyson Pogue.
PRECEDENTIAL VALUE	Unpublished district court scheduling and discovery order; nonprecedential

TOPICS

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

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should proceed with scheduling and discovery as to the claim against Defendant Tyson Pogue while the claims against the Wellpath Defendants remain stayed.

2. What scheduling, discovery, exhaustion, investigation, and evidence information Plaintiff and Defendant Pogue must provide in their required statements.

HOLDINGS

1. The court ordered the case to proceed with scheduling as to the claim against Defendant Tyson Pogue only, while the stay remained in effect as to the Wellpath Defendants.
2. Plaintiff and Defendant Pogue were required to file statements titled “SCHEDULING AND DISCOVERY STATEMENT” within thirty days after service of the order, addressing the specified claims, defenses, witnesses, documents, third-party records, experts, settlement, and other scheduling and discovery matters.

KEY QUOTATIONS

“The Court will proceed with scheduling the case as to the claim against only Defendant Pogue and the Court will require only Plaintiff and Defendant Pogue to submit a statement regarding the schedule and discovery matters.” (at 1)

“Whether Defendant intends to challenge the issue of exhaustion and, if so, when Defendant will be ready to file a motion for summary judgment regarding the issue of exhaustion.” (at 2)

FACTUAL BACKGROUND

Plaintiff Michael Reyes-Villanueva brought a prisoner civil-rights action against Tyson Pogue and other defendants. The court had stayed the action as to several Wellpath Defendants but had not stayed the claim against Pogue. The order references claims concerning events at Plaintiff’s institution of confinement, including possible grievances, investigations, witness evidence, documents, photographs, and video recordings.

PROCEDURAL HISTORY

The court screened the complaint and ordered the case to proceed. It later stayed the case as to Dr. Gustavenson, Nurse Debbie, RN Michelle, RN Eva, RN Khloe, RN Maria, RN Victoria, and RN Kristen, while leaving the claim against Tyson Pogue proceeding. The court ordered Plaintiff and Pogue to file scheduling and discovery statements within thirty days after service of the order.

DISPOSITION

other

CASES CITED

- Woodford v. Ngo, 548 U.S. 81, 94-95 (2006)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
9 MICHAEL REYES-VILLANUEVA, Case No. 1:24-cv-00493-JLT-EPG (PC) 10 Plaintiff,

ORDER REQUIRING STATEMENTS FROM PARTIES REGARDING 11 SCHEDULE AND
DISCOVERY 12 v. THIRTY (30) DAY DEADLINE 13 14 TYSON POGUE, et al. 15
Defendant(s). 16 17 The Court has screened Plaintiff's complaint and has ordered the case to
proceed.

(See 18 ECF Nos. 16, 20). On February 27, 2025, the Court issued an order staying the case as to
the 19 following Defendants: Dr. Gustavenson, Nurse Debbie, RN Michelle, RN Eva, RN Khloe,
RN 20 Maria, RN Victoria, and RN Kristen (collectively, the Wellpath Defendants). (ECF No. 27).

The 21 Court has not stayed the case as to Defendant Tyson Pogue but has noted that Defendant
Pogue is 22 permitted to file an appropriate motion on this issue. 23 The Court will proceed with
scheduling the case as to the claim against only Defendant 24 Pogue and the Court will require
only Plaintiff and Defendant Pogue to submit a statement 25 regarding the schedule and discovery
matters.

26 The statements regarding the schedule and discovery shall be filed within thirty days from 27
the date of service of this order. They should be filed with the Court, titled "SCHEDULING 28
AND DISCOVERY STATEMENT," and include the name of the party filing the statement. 1 They
shall address all of the following issues: 2 i. A brief summary of the parties' claims and/or
defenses.

3 ii. The name and, if known, the address and telephone number of each witness, 4 besides expert
witnesses, the party may call at trial. 5 iii. A description by category and location of all documents
the party may use at 6 trial. 7 iv. Whether any third parties, other than Plaintiff's institution of
confinement, are 8 likely to have relevant documents. 9 v. Whether the party intends to use expert
witnesses.

10 vi. If a settlement conference has not occurred, when the party will be prepared to 11
participate in a settlement conference. 12 Defendant Pogue's Scheduling and Discovery Statement
shall also address all of the 13 following issues: 14 vii. Whether a third-party subpoena directed at
Plaintiff's institution of 15 confinement will be necessary to obtain relevant documents.

16 viii. Whether Defendant intends to challenge the issue of exhaustion and, if so, 17 when
Defendant will be ready to file a motion for summary judgment 18 regarding the issue of
exhaustion. 19 ix. Whether witness statements and/or evidence were generated from 20
investigation(s) related to the event(s) at issue in the complaint, such as an 21 investigation
stemming from the processing of Plaintiff's grievance(s).1 22 x. Whether there are any video
recordings or photographs related to the 23 incident(s) at issue in the complaint, including video
recordings and 24 photographs of Plaintiff taken following the incident(s).

25 26 1 See *Woodford v. Ngo*, 548 U.S. 81, 94-95 (2006) ("[P]roper exhaustion improves the
quality of those prisoner suits that are eventually filed because proper exhaustion often results in

the creation of an administrative 27 record that is helpful to the court. When a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and 28 preserved.”).

1 x1. | Whether Defendant intends to argue that Defendant is not properly named 2 because he is not the individual(s) responsible for the action(s) described in the 3 complaint (i.e., someone else did or is responsible for the action(s) alleged in 4 the complaint). 5 Finally, any party may also include any information that the party believes would assist in 6 | discovery and/or scheduling the case.

7 g IT IS SO ORDERED. 9] Dated: _February 28, 2025 [see heey □ 10 UNITED STATES
MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28