

**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

OPINION

(PC) Reyes-Villanueva v. Tyson Pogue

PER CURIAM.

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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

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