

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Reaves v. Madden

Reaves · No. 23-cv-254-DMS-KSC · Decided March 4, 2025

SUMMARY

The court granted defendants’ motion to compel discovery responses from a self-represented state prisoner who refused to identify witnesses during his deposition. The court ordered plaintiff to provide, within ten days, a declaration identifying each known witness and providing available identifying and contact information. The court warned that failure to disclose the information could result in exclusion of witness testimony.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 KEJUAN REAVES, Case No.: 23-cv-254-DMS-KSC 12 Plaintiff, ORDER
GRANTING MOTION TO 13 v. COMPEL [Doc. No. 48] 14 MADDEN et al., 15 Defendants. 16
17 Plaintiff, a state prisoner proceeding pro se, filed this lawsuit alleging defendants 18 violated
his civil rights by using excessive force against him.

See generally Doc. No. 1. 19 Defendants obtained leave of court to take plaintiff’s deposition.
Doc. No. 33. Defendants 20 now seek an Order compelling plaintiff to answer questions he
refused to answer during 21 his deposition, which defendants took on December 18, 2024. See
Doc. No. 48. Plaintiff 22 has not timely filed an Opposition. 23 Any party may move the Court for
an order compelling a witness to answer a 24 question posed during a deposition.

See Fed. R. Civ. P. 37(a)(3)(B)(i). The identities of 25 witnesses are generally discoverable. See
Fed. R. Civ. P. 26(a)(1)(A)(i). Using deposition 26 testimony to identify potential witnesses is
likewise generally proper in civil cases. See 27 generally V5 Techs v. Switch, Ltd., 334 F.R.D.
615, 618 (D. Nev. 2020) (collecting cases). 28 1 || Here, plaintiff claimed during his deposition
that he knew of many witnesses to the events 2 || giving rise to this lawsuit.

See Doc. No. 51 at 4. He testified that he would call “at least 3 of them as witnesses during trial.
/d. at 5. He further testified he could identify them 4 their names and nicknames, and he knew
their locations. See id. at 6-8. This information 5 ||is patently discoverable. During his deposition,
plaintiff also suggested he wanted to secure 6 || attorney representation before producing
discovery.

See *id.* at 6. Being self-represented is not grounds for refusing to produce discovery. Within ten days of this Order, plaintiff shall execute a declaration under penalty of perjury of the laws of the United States and serve it upon defendants by mailing it to defense counsel.

The declaration shall identify each and every witness to the incident known to plaintiff—not only those witnesses from whom plaintiff may seek to elicit favorable testimony. Plaintiff shall also provide the names, nicknames, locations, and contact information for any such witnesses. Failure to adequately disclose this information lead to the exclusion of these witnesses' testimony should plaintiff attempt to introduce it.

See Fed. R. Civ. P. 37(b)(2)(A) (ii). Because the Court's Scheduling Order cannot accommodate unreasonable delay of this matter, the litigation coordinator or other staff at the penal institution housing plaintiff directed to assist the parties (to the greatest extent practicable) in expeditiously securing this discovery. IT IS SO ORDERED.

Dated: March 4, 2025
AA 22 MI Ye 3 Hori. Karen S. Crawford
United States Magistrate Judge