

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McDowell v. Smith

No. 1:24-cv-00500-SAB (PC) (E.D. Cal. May 27, 2025) · No. No. 1:24-cv-00500-SAB (PC) · Decided May 27,
2025

SUMMARY

The United States District Court for the Eastern District of California granted defendants’ motion to stay merits-based discovery and vacate discovery and dispositive-motion deadlines. The stay remains in effect until the court rules on defendants’ pending summary-judgment motion concerning exhaustion of administrative remedies.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 27, 2025
DOCKET	No. 1:24-cv-00500-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to stay merits-based discovery and vacate the discovery and dispositive-motion deadlines while their motion for summary judgment based on failure to exhaust administrative remedies was pending.
STANDARD OF REVIEW	The court exercised broad discretion to manage discovery and applied the good-cause standard for protective orders under Federal Rule of Civil Procedure 26(c)(1).
PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

- discovery dispute
- summary judgment
- affirmative defenses
- prisoners rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the court should stay merits-based discovery while Defendants' potentially dispositive exhaustion-based summary-judgment motion was pending.
2. Whether the court should vacate the existing discovery and dispositive-motion deadlines during the stay.

HOLDINGS

1. For good cause, the court may stay discovery directed to the merits while a potentially dispositive motion concerning exhaustion is pending, because resolution of that motion may eliminate the need for merits-based discovery.
2. The court vacated the discovery and dispositive-motion deadlines and authorized resetting them, if necessary, after resolution of the pending summary-judgment motion.

KEY QUOTATIONS

“Exhaustion should be decided, if feasible, before reaching the merits of a prisoner’s claims,” (1)

“discovery directed to the merits of the suit” (1)

FACTUAL BACKGROUND

Plaintiff is proceeding pro se and in forma pauperis in a § 1983 prisoner civil-rights action. Defendants filed a motion for summary judgment asserting that Plaintiff failed to exhaust administrative remedies. Because that motion could resolve the action without merits-based discovery, Defendants sought a stay of merits discovery and vacation of the existing deadlines.

PROCEDURAL HISTORY

Plaintiff brought a pro se, in forma pauperis action under 42 U.S.C. § 1983. Defendants filed a motion for summary judgment asserting failure to exhaust administrative remedies and then moved to stay merits-based discovery and vacate deadlines. The court granted the motion to stay and vacated the deadlines, subject to resetting them after resolution of the summary-judgment motion.

DISPOSITION

other

CASES CITED

- Dichter-Mad Family Partners, LLP v. U.S., 709 F.3d 749, 751 (9th Cir. 2013) (per curiam)
- Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012)
- Survivor Media, Inc. v. Survivor Prods., 406 F.3d 625, 635 (9th Cir. 2005)
- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988)
- Albino v. Baca, 747 F.3d 1162, 1166, 1170-71 (9th Cir. 2014) (en banc)

- Gibbs v. Carson, No. C-13-0860 THE (PR), 2014 WL 172187, at *2-3 (N.D. Cal. Jan. 15, 2014)
- Wyatt v. Terhune, 315 F.3d 1108, 1115 n.7 (9th Cir. 2003)

OPINION

(PC) McDowell v. Smith

PER CURIAM.

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5 UNITED STATES DISTRICT COURT

6 EASTERN DISTRICT OF CALIFORNIA

7

8 GIOVANNI MCDOWELL, No. 1:24-cv-00500-SAB (PC)

9 Plaintiff, ORDER GRANTING DEFENDANTS’

MOTION TO STAY MERITS-BASED

10 v. DISCOVERY AND VACATE DEADLINES

11 STEVE SMITH, et al., (ECF No. 52) 12 Defendants. 13 14 Plaintiff is proceeding pro se and in
 forma pauperis in this action filed pursuant to 42 15 U.S.C. § 1983. All parties have consented to
 Magistrate Judge jurisdiction pursuant to 28 U.S.C 16 § 636(c)(1). 17 Currently before the Court
 is Defendants’ motion to stay merits-based discovery and 18 vacate the dispositive motion
 deadline, filed May 23, 2025. (ECF No. 52.) 19 The Court is vested with broad discretion to
 manage discovery. *Dichter-Mad Family 20 Partners, LLP v. U.S.*, 709 F.3d 749, 751 (9th Cir.
 2013) (per curiam); *Hunt v. County of Orange*, 21 672 F.3d 606, 616 (9th Cir. 2012); *Survivor*
Media, Inc. v. Survivor Prods., 406 F.3d 625, 635 22 (9th Cir. 2005); *Hallett v. Morgan*, 296 F.3d
 732, 751 (9th Cir. 2002). Pursuant to Rule 26(c)(1), 23 the Court may, for good cause, issue a
 protective order forbidding or limiting discovery. The 24 avoidance of undue burden or expense is
 grounds for the issuance of a protective order, Fed. R. 25 Civ. P. 26(c), and a stay of discovery
 pending resolution of potentially dispositive issues furthers 26 the goal of efficiency for the courts
 and the litigants, *Little v. City of Seattle*, 863 F.2d 681, 685 27 (9th Cir. 1988) (stay of discovery
 pending resolution of immunity issue). The propriety of 28 1 | delaying discovery on the merits of
 the plaintiff’s claims pending resolution of an exhaustion 2 | motion was explicitly recognized by
 the Ninth Circuit. *Albino v. Baca*, 747 F.3d 1162, 1170-71 3 | (9th Cir. 2014) (en banc); see also
Gibbs v. Carson, No. C-13-0860 THE (PR), 2014 WL 172187, 4 at *2-3 (N.D. Cal. Jan. 15, 2014).
 5 On April 15, 2025, Defendants filed a motion for summary judgment for Plaintiffs failure 6 | to
 exhaust the administrative remedies. (ECF No. 49.) The failure to exhaust is an affirmative 7 |
 defense, and Defendant is entitled to judgment on Plaintiffs claims against her if the Court 8 ||
 determines the claim is unexhausted. *Albino*, 747 F.3d at 1166. Thus, the pending exhaustion 9 |
 motion has the potential to bring final resolution to this action, obviating the need for merits- 10 |
 based discovery. *Gibbs*, 2014 WL 172187, at *3. In *Albino*, the Ninth Circuit recognized that 11 |
 “[e]xhaustion should be decided, if feasible, before reaching the merits of a prisoner’s claims,” 12

|| and “discovery directed to the merits of the suit” should be left until later. Albino, 747 F.3d at 13
| 1170. To the extent that the non-moving party needs specific discovery to address issues raised in
14 | adispositive motion, the non-moving party may seek redress by Federal Rule of Civil
Procedure 15 | 56(d). Albino, 747 F.3d at 1170-71; Wyatt v. Terhune, 315 F.3d 1108, 1115 n.7 (9th
Cir. 2003) 16 | (overruled on other grounds by Albino, 747 F.3d at 1168-69). 17 On the basis of
good cause, it is HEREBY ORDERED that: 18 1. All merits-based discovery is stayed until a final
ruling on Defendants’ pending 19 motion for summary judgment; 20 2. The discovery and
dispositive motions deadlines are vacated; and 21 3. If necessary, the Court will reset the deadlines
following resolution of the pending 22 motion for summary judgment. 23 24

95 IT IS SO ORDERED. FA. ee

26 | Dated: _ May 27, 2025

STANLEY A. BOONE

27 United States Magistrate Judge 28 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
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