

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gary Lee Beavers v. Officer Hosey

No. 1:21-cv-00650-HBK (PC) (E.D. Cal. Oct. 30, 2025) · No. 1:21-cv-00650-HBK (PC) · Decided October 30, 2025

SUMMARY

The United States District Court for the Eastern District of California grants in part and denies in part Gary Lee Beavers’s motion to compel discovery in his Eighth Amendment failure-to-protect action against Officer Hosey. The court orders production of certain documents concerning prior failure-to-protect investigations and records related to the underlying assault, subject to redactions, while denying or limiting other discovery requests and resetting the dispositive-motion deadline to December 15, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 30, 2025
DOCKET	1:21-cv-00650-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery in an action proceeding on an Eighth Amendment failure-to-protect claim under 42 U.S.C. § 1983.
STANDARD OF REVIEW	Discovery rulings are committed to the court's broad discretion. The moving party bears the burden of demonstrating actual and substantial prejudice from denial of discovery.
PRECEDENTIAL VALUE	unpublished
PARTIES	Gary Lee Beavers v. Officer Hosey

TOPICS

- discovery dispute
- privilege
- civil rights
- prisoners rights
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff established a basis under the Federal Rules of Civil Procedure to compel further responses to eleven document requests.
2. Whether Defendant established the official-information privilege or other privilege sufficient to withhold documents concerning investigations or discipline related to alleged failure-to-protect conduct.
3. Whether Defendant could be compelled to create documents or lists that did not already exist.
4. Whether responsive confidential documents should be produced subject to redactions or other protective measures.

HOLDINGS

1. A motion to compel must identify not only the relevance of the requested discovery but also why the opposing party's response or objections are deficient; the moving party bears the burden of showing actual and substantial prejudice from the denial of discovery.
2. A party cannot be compelled under Federal Rule of Civil Procedure 34 to create a new document or compile information into a document that does not already exist.
3. A party invoking the qualified official-information privilege must make a substantial threshold showing, supported by a sufficiently specific declaration, that disclosure would threaten concrete governmental or privacy interests; conclusory and speculative assertions are insufficient.
4. Confidentiality alone does not exempt relevant, proportional, nonprivileged discovery from production; appropriate redactions may adequately protect privacy and security interests.

KEY QUOTATIONS

“parties may obtain discovery regarding any non-privileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case” (at 3)

“A court cannot order a party to produce documents that do not exist.” (at 7)

“At the outset, confidentiality is not a basis for withholding discovery.” (at 9)

FACTUAL BACKGROUND

The action concerns Plaintiff's claim that Officer Hosey failed to protect him from an assault by inmate Price on April 7, 2019, despite allegedly knowing of Price's violent history and intentions toward Plaintiff. Plaintiff sought eleven categories of documents, including records concerning the incident, Hosey's personnel history, prison staffing, porter assignments, and institutional procedures. Defendant produced more than 500 pages but withheld certain documents based primarily on confidentiality and official-information privilege objections.

PROCEDURAL HISTORY

Plaintiff filed a motion to compel on May 12, 2025. The court deferred ruling and ordered the parties to meet and confer; after the dispute remained unresolved, the parties submitted separate statements and supporting discovery materials. The court granted the motion as to Document Requests 2 and 4, denied it as to Requests 1, 3, 5, 6, 7, 8, 9, and 11, denied Request 10 as moot, ordered production of specified documents with redactions, and reset the dispositive-motion deadline.

DISPOSITION

other

CASES CITED

- Compass Bank v. Morris Cerullo World Evangelism, 104 F. Supp. 3d 1040, 1051 (S.D. Cal. 2015)
- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- Hasan v. Johnson, 2012 WL 569370, at *2 (E.D. Cal. Feb. 21, 2012)
- Kerr v. U.S. Dist. Ct. for the N. Dist. of Cal., 511 F.2d 192, 197-98 (9th Cir. 1975), *aff'd*, 426 U.S. 394 (1976)
- Edwards v. Cnty. of Los Angeles, 2009 WL 4707996, at *3 (C.D. Cal. Dec. 9, 2009)
- Kelly v. City of San Jose, 114 F.R.D. 653, 661, 669-70 (N.D. Cal. 1987)
- Soto v. City of Concord, 162 F.R.D. 603, 613-16 (N.D. Cal. 1995)
- Tornay v. United States, 840 F.2d 1424, 1426 (9th Cir. 1988)
- In re Roman Catholic Archbishop of Portland in Oregon, 661 F.3d 417, 424 (9th Cir. 2011)
- Christ v. Blackwell, 2011 WL 3847165, at *2 (E.D. Cal. Aug. 30, 2011)
- Ellis v. Cambra, 2008 WL 860523 (E.D. Cal. Mar. 27, 2008)
- Roettgen v. Foston, 2016 WL 11911155, at *2 (S.D. Cal. May 4, 2016)
- Bethea v. Comcast, 218 F.R.D. 328, 330 (D.D.C. 2003)
- Carter v. Dawson, 2010 WL 4483814, at *5 (E.D. Cal. Nov. 1, 2010)
- Ayala v. Tapia, 1991 WL 241873, at *2 (D.D.C. Nov. 1, 1991)
- Alexander v. F.B.I., 194 F.R.D. 305, 310 (D.D.C. 2000)
- Goolsby v. Carrasco, 2011 WL 2636099, at *20-21 (E.D. Cal. July 5, 2011)
- Robinson v. Adams, 2011 WL 2118753, at *53 (E.D. Cal. May 27, 2011)
- Brook v. Carey, 352 F. App'x 184, 185-86 (9th Cir. 2009)
- Nugget Hydroelectric, L.P. v. Pacific Gas & Elec. Co., 981 F.2d 429, 438-39 (9th Cir. 1992)
- Taylor v. O'Hanneson, 2014 WL 2696585, at *5 (E.D. Cal. June 13, 2014)
- Ramirez v. County of Los Angeles, 231 F.R.D. 407, 412 (C.D. Cal. 2005)
- Medina v. Cnty. of San Diego, 2014 WL 4793026, at *7 (S.D. Cal. Sept. 25, 2014)
- Parrish v. Solis, 2014 WL 2466101, at *4 (N.D. Cal. May 31, 2014)
- Womack v. Virga, 2011 WL 6703958, at *11 (E.D. Cal. Dec. 21, 2011)
- Walker v. Karelas, 2009 WL 3075575, at *1 (E.D. Cal. Sept. 21, 2009)

