

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ernest Thomas v. Jane Doe

Thomas v. Doe · No. 1:24-cv-01319-HBK (PC) · Decided May 20, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Ernest Thomas’s renewed motion to compel production of surveillance and body-camera footage as premature. The court explained that discovery generally does not begin until the complaint has been screened, defendants have been served and appeared, and a scheduling order is entered; it suggested that Thomas request preservation of the footage directly from CDCR.

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	May 20, 2025
DOCKET	1:24-cv-01319-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a renewed motion to compel production of surveillance video and body-camera footage before the operative complaint had been screened, eligible defendants had been served, or defendants had answered.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the Court should compel production of CDCR surveillance and body-camera footage before any defendant had been served or appeared.
2. Whether Plaintiff could rely on CDCR regulations rather than the Federal Rules of Civil Procedure to obtain the requested material.

HOLDINGS

1. A motion to compel discovery is premature when no defendant has been served or appeared and the Court has not issued a discovery and scheduling order; discovery ordinarily begins only after screening, service, and an answer.
2. Discovery in this federal action is governed by the Federal Rules of Civil Procedure rather than CDCR regulations.

KEY QUOTATIONS

“Because no party has yet been served, let alone been made subject to a discovery and scheduling order, Plaintiff’s renewed motion to compel discovery is premature.” (at 2)

“Although Plaintiff relies on CDCR regulations, cases in federal courts are governed by the Federal Rules of Civil Procedure.” (at 1)

FACTUAL BACKGROUND

Plaintiff sought surveillance video and body-camera footage from October 27 through October 30, 2023, asserting that the material was necessary to refute grievance statements and support allegations in his first amended complaint. The requested footage was apparently in the possession or control of CDCR and would be discoverable from a party if the action proceeded. At the time of the motion, the complaint had not completed screening for service and no defendant had been served.

PROCEDURAL HISTORY

Plaintiff brought a prisoner civil-rights action against Jane Doe and other unknown defendants. After the Court’s screening orders, no defendant had been served and no discovery or scheduling order had issued. Plaintiff previously moved to compel the same video footage and then filed this renewed motion, which the Court denied as premature.

DISPOSITION

other

CASES CITED

- Jules Jordan Video, Inc. v. 144942 Canada Inc., 617 F.3d 1146, 1158 (9th Cir. 2010)
- Hernandez v. Williams, 2019 WL 5960089 (S.D. Cal. April 27, 2022)
- Somoza v. Dir. of California Dep’t of Corr. & Rehab., 2022 WL 2359679, at *1 (E.D. Cal. June 30, 2022)

