

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Roderico LeCount Yates v. Jaymie Cabrera

Yates · No. 2:23-cv-02008-CDS-NJK · Decided December 2, 2025

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 Roderico LeCount
Yates, 6 Case No. 2:23-cv-02008-CDS-NJK Plaintiff, 7 Order v. 8 [Docket No. 65] Jaymie
Cabrera, 9 Defendants. 10 11 Pending before the Court is Plaintiff’s motion to compel. Docket
No. 65.1 Defendant 12 filed a response. Docket No. 66. No reply was filed.

The motion is properly resolved without a 13 hearing. See Local Rule 78-1. 14 I. STANDARD 15
“[B]road discretion is vested in the trial court to permit or deny discovery.” Hallett v. 16 Morgan,
296 F.3d 732, 751 (9th Cir. 2002); see also Crawford-El v. Britton, 523 U.S. 574, 598 17 (1998).
When a party fails to provide discovery, the requesting party may move to compel it.

Fed. 18 R. Civ. P. 37(a). The party seeking to avoid discovery bears the burden of showing why
the 19 discovery should not be permitted. V5 Techs. v. Switch, Ltd., 334 F.R.D. 306, 309 (D. Nev.
2019) 20 (citing Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)). 21 II.
ANALYSIS 22 A. Requests for Production 23 Defendant represents that responses to Plaintiff’s
requests for production have now been 24 made (in belated fashion).

See Docket No. 66 at 4. Based on these representations, this aspect of 25 the motion to compel
will be denied as moot. 26 27 1 The Court liberally construes the filings of pro se litigants,
particularly those who are 28 prisoners bringing civil rights claims. Blaisdell v. Frappiea, 729 F.3d
1237, 1241 (9th Cir. 2013). 1 B. Interrogatories 5 and 6 2 These interrogatories seek information
as to past complaints and disciplinary actions 3], against Defendant.

See Docket No. 65 at 6-9. Such requests are not relevant and discoverable in 4] this case alleging
deliberate indifference to medical needs. See, e.g., Israel v. Carter, 2022 WL 5] 3691442, at *2
(E.D. Cal. Aug. 25, 2022) (collecting cases).* This aspect of the motion to compel 6] will be
denied. 7 Cc. Request for Admission 3 8 This request seeks an admission that medicine is
frequently provided late at High Desert 9] State Prison.

See Docket No. 65 at 10-11. As such explained above, such information is not relevant and
discoverable. See, e.g., Israel, 2022 WL 3691442, at *2. This aspect of the motion to compel will
be denied. 12) 1. CONCLUSION 13 For the reasons discussed above, the Court DENIES
Plaintiffs motion to compel. 14 IT IS SO ORDERED. 15 Dated: December 2, 2025 16 Nancy e 18
United States Magistrate Judge 19 20 21 22 23 24 25 26 27), ————— 2 Defense counsel

must be mindful in the future of the prohibition to citing unpublished 28] Ninth Circuit authority issued before 2007.

See 9th Cir. R. 36-3; but see Docket No. 66 at 6.

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