

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Frank Herring v. William Gittere, et al.

Hearing · No. 3:24-cv-00004-ART-CLB · Decided December 17, 2025

SUMMARY

This order in Frank Herring v. William Gittere, et al. directs the parties to exchange initial disclosures and sets a mandatory case management conference for January 7, 2026. It also requires case management conference statements and explains that a subsequent scheduling order will govern further discovery and litigation deadlines.

CASE DETAILS

COURT	United States District Court for the District of Nevada
DECIDED	December 17, 2025
DOCKET	3:24-cv-00004-ART-CLB
DISPOSITION	other
PROCEDURAL POSTURE	After screening Plaintiff's prisoner civil-rights complaint under 28 U.S.C. § 1915A(a) and allowing the action to proceed, the court entered an order governing initial disclosures, case management, and the timing of discovery.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Frank Herring v. William Gittere, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- discovery

QUESTIONS PRESENTED

1. Whether the court should require initial disclosures under Federal Rule of Civil Procedure 16 notwithstanding the general exception in Rule 26(a)(1)(B) for actions brought by a person in custody.
2. Whether the court should suspend further discovery until after a mandatory case management conference and issuance of a scheduling order.

3. What information and preconference submissions the parties must provide to facilitate management of the prisoner civil-rights action.

HOLDINGS

1. The court ordered all parties to exchange specified initial disclosures under Federal Rule of Civil Procedure 16, notwithstanding Rule 26(a)(1)(B), because the disclosures would assist in managing the action.
2. No discovery other than the initial disclosures ordered by the court may proceed until the court conducts the mandatory case management conference and enters a full scheduling order.
3. If Defendants intend to rely on failure to exhaust administrative remedies as an affirmative defense, they must provide Plaintiff with all documents they intend to use to support that defense.

KEY QUOTATIONS

“Aside from the initial disclosures required by this order, no other discovery may proceed until the court enters a full scheduling order following the mandatory scheduling conference.” (at 1)

FACTUAL BACKGROUND

The action is a prisoner civil-rights case pending in the District of Nevada. The court relied on the extent of prisoner litigation in the district, the parties' relative access to information, the importance of the issues, and the potential usefulness of administrative-grievance materials in managing discovery. The court also anticipated that exhaustion of administrative remedies could become an issue and required disclosure of documents supporting any exhaustion-based affirmative defense.

PROCEDURAL HISTORY

The district court screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a) and ordered the case to proceed. The court then issued this procedural order requiring initial disclosures, setting a mandatory case management conference, and directing the parties to file preconference statements before entry of a full scheduling order.

DISPOSITION

other

CASES CITED

- United States v. International Union of Petroleum & Industrial Workers, AFL-CIO, 870 F.2d 1450, 1452 (9th Cir. 1989)