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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 DARRYL DUNSMORE, ERNEST
12 ARCHULETA, ANTHONY EDWARDS,
13 REANNA LEVY, JOSUE LOPEZ,
14 CHRISTOPHER NELSON,
15 CHRISTOPHER NORWOOD, and
16 LAURA ZOERNER, on behalf of
themselves and all others similarly
situated,

17 Plaintiffs,

18 v.

19 SAN DIEGO COUNTY SHERIFF'S
20 DEPARTMENT, COUNTY OF SAN
21 DIEGO, CORRECTIONAL
22 HEALTHCARE PARTNERS, INC., TRI-
23 CITY MEDICAL CENTER, LIBERTY
24 HEALTHCARE, INC., LOGAN HAAK,
M.D., INC., SAN DIEGO COUNTY
PROBATION DEPARTMENT, and
DOES 1 to 20, inclusive,

25 Defendants.
26

Case No.: 20-cv-00406-AJB-DDL

**ORDER DENYING AS MOOT
MOTION FOR EXPEDITED
DISCOVERY**

[Dkt. No. 212]

27 Before the Court is Plaintiffs' Motion for Limited Expedited Discovery (the
28 "Motion"). Dkt. No. 212. When Plaintiffs filed the Motion, there were several

1 motions to dismiss pending, and Plaintiffs' motion for a preliminary injunction had
2 been denied. See Dkt. No. 203. Plaintiffs sought the Court's leave to seek "limited"
3 discovery from defendant County of San Diego – before the pleadings were closed
4 and before the parties had participated in the conference required by Federal Rule
5 of Civil Procedure 26(f) – to allow them "to determine whether and on what bases
6 to move again for injunctive relief, and for the Court to resolve any such motion."
7 See Dkt. No. 212-1 at 7.

8 On September 27, 2022, the District Court granted the pending motions to
9 dismiss, and dismissed Plaintiffs' operative Second Amended Complaint in its
10 entirety (albeit with leave to amend certain claims). See Dkt. No. 219. In light of
11 the District Court's dismissal of Plaintiffs' complaint, there is no basis upon which
12 discovery can proceed. See *Am. Rivers v. Nat'l Marine Fisheries Serv.*, 126 F.3d
13 1118, 1123 (9th Cir. 1997) ("A federal court does not have jurisdiction 'to give
14 opinions upon moot questions or abstract propositions, or to declare principles or
15 rules of law which cannot affect the matter in issue in the case before it.'") (quoting
16 *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992)).

17 Accordingly, Plaintiffs' Motion [Dkt. No. 212] is **DENIED AS MOOT**.
18 **IT IS SO ORDERED.**

19 Dated: September 28, 2022



Hon. David D. Leshner
United States Magistrate Judge