

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE WASHINGTON,

Plaintiff,

No. CIV S-06-1994 WBS DAD P

vs.

J. BROWN, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 11, 2010, defendants filed a motion for judgment on the pleadings. Plaintiff failed to timely file a response to the motion and by order filed November 9, 2010 was directed to file within thirty days either an opposition or a statement of non-opposition to the motion. On November 29, 2010, plaintiff filed a document styled as an “Ex parte Request for Court’s Protective Order” in which he contends that he has been without access to his legal materials since October 31, 2010. By order filed December 3, 2010, defendants were directed to file a response to that filing within ten days.¹

¹ That order also provided that the court would set a due date for plaintiff’s response to the motion for judgment on the pleadings in subsequent order. As discussed infra, the motion is now fully briefed. Accordingly, that part of the December 3, 2010 order is vacated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

On December 9, 2010, defendants filed a response in which they represent that plaintiff has had full access to his legal materials since December 2, 2010. On December 10, 2010, plaintiff filed his opposition to defendants' motion for judgment on the pleadings, and on December 16, 2010, defendants filed their reply brief.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff's November 29, 2010 motion is denied as moot; and
2. Defendants' October 11, 2010 motion for judgment on the pleadings is submitted for findings and recommendations.

DATED: December 21, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:12
wash1994.o2