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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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12 Allan Kenneth Morgal,)

13 Plaintiff,)

No. CIV 07-0670-PHX-RCB

14 vs.)

O R D E R

15 Maricopa County Board of)

Supervisors,)

16)

17 Defendant.)

18)

19 On April 13, 2012, plaintiff *pro se*, Allan K. Morgal,
20 filed a "Notice to the Court" (Doc. 148), advising that the
21 Ninth Circuit Court of Appeals awarded him costs in the amount
22 of \$19.80. Among other things, plaintiff requested that the
23 defendant, the Maricopa County Board of Supervisors, send a
24 remittance in that amount to a third-party. Construing that
25 Notice as a motion, by order entered June 6, 2012, this court
26 ordered the defendant to file a response, if any, within
27 fifteen days of the date of entry of that order. Ord. (Doc.
28 153) at 1:27-2:2.

1 Defendant timely filed its "Notice of Mailing Check for
2 Costs to Plaintiff[,]" showing that on June 13, 2012, it had
3 forwarded a check in the amount of \$19.80 to plaintiff at his
4 address currently on file with the court. See Not. (Doc.
5 157), exh. A thereto (Doc. 157-1). The defendant
6 acknowledged plaintiff's request that the funds be sent to a
7 third-party, which it indicates is "outside the Arizona
8 Department of Corrections[] ["ADOC"]. Id. at 1:22.
9 Nonetheless, the defendant forward the funds directly to
10 plaintiff because "it is unclear as to whether" delivery of
11 the funds to third-party outside ADOC "would comply with ADOC
12 Policy 900, which governs incarcerated individual's funds."
13 Id. at 1:22-24.

14 Given defendant's remittance of \$19.80 to plaintiff as
15 the costs of appeal, the court hereby DENIES as moot
16 plaintiff's "Notice to the Court" (Doc. 148), which this
17 court previously construed as a motion.

18 On July 9, 2012, plaintiff filed a "Request for
19 Discovery" (Doc. 161). Construing this "Request" as a
20 "Motion for Discovery," the defendant shall have fourteen
21 (14) days from the date of entry of this order in which to
22 file and serve a response, if any, to that motion. Plaintiff
23 shall have seven (7) days after service of such response, if
24 any, to file a reply if he so desires.


25 In light of the rulings herein, and this court's
26 familiarity with this case as evidenced in Morgal v Maricopa
27 County Bd. Of Sup'rs, 2012 WL 2029719 (D.Ariz. June 6,
28 2012)(Doc. 152),

1 IT IS ORDERED withdrawing the reference to the Magistrate
2 Judge in this case. All matters going forward shall remain
3 with the District Judge for disposition as appropriate.

4 IT IS FURTHER ORDERED that plaintiff's Notice to the
5 Court (Doc. 148) is denied as moot.

6 DATED this 18th day of July, 2012.

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Robert C. Broomfield
Senior United States District Judge

Copies to counsel of record and plaintiff *pro se*