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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Joseph Gerald Eldridge,

10 Plaintiff,

11 v.

12 Charles L. Ryan, et al.,

13 Defendants.

No. CV-13-00888-PHX-DGC

ORDER

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15 Plaintiff Joseph Gerald Eldridge has filed an objection to an order entered by
16 Magistrate Judge Metcalf on March 17, 2014 (Doc. 75) denying without prejudice
17 Plaintiff's motion to return legal files or for a stay. Doc. 82. Plaintiff has also filed an
18 objection to an order entered by Judge Metcalf on March 19, 2014 (Doc. 76) denying
19 without prejudice Plaintiff's motion to compel production. Doc. 82. For the reasons that
20 follow, the Court will not reconsider Judge Metcalf's orders.

21 **I. Legal Standard.**

22 "A district judge may reconsider a magistrate's order in a pretrial matter if that
23 order is 'clearly erroneous or contrary to law.'" *Osband v. Woodford*, 290 F.3d 1036,
24 1041 (9th Cir. 2002) (quoting 28 U.S.C. § 636(b)(1)(A)); *see Grimes v. City & County of*
25 *S.F.*, 951 F.2d 236, 240 (9th Cir. 1991) ("The district court shall defer to the magistrate's
26 orders unless they are clearly erroneous or contrary to law.") (citing Fed. R. Civ. P.
27 72(b)).
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1 **II. Analysis.**

2 Plaintiff has not demonstrated that either of Judge Metcalf’s orders was erroneous
3 or contrary to law. As to Plaintiff’s motion to return legal files or for a stay, Plaintiff
4 repeats his claims that he was denied access to legal supplies. Doc. 82 at 2. Prisoners
5 have a constitutional right of access to the courts. *Bounds v. Smith*, 430 U.S. 817, 821
6 (1977). The right of access to the courts, however, is only a right to bring petitions or
7 complaints to the federal court and not a right to discover such claims or even to litigate
8 them effectively once filed with a court. *See Lewis v. Casey*, 518 U.S. 343, 354 (1996);
9 *see also Cornett v. Donovan*, 51 F.3d 894, 898 (9th Cir. 1995). To maintain an access-to-
10 the-courts claim, an inmate must submit evidence showing an “actual injury” resulting
11 from the defendant’s actions. *See Lewis*, 518 U.S. at 349. With respect to an existing
12 case, the actual injury must be “actual prejudice . . . such as the inability to meet a filing
13 deadline or to present a claim.” *Id.* at 348-49.

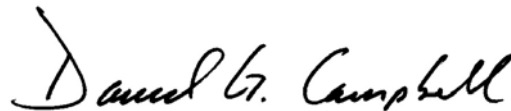
14 Although Plaintiff alleges that his access to court has been hindered and that
15 “Defendants did two of the conference and then on the three Telephone conference do to
16 Plaintiff not having access to legal documents or court orders [sic throughout]” (Doc. 82
17 at 1-2), Plaintiff has presented no evidence that his alleged lack of access to legal supplies
18 resulted in an actual injury.

19 As to Plaintiff’s motion to compel, Plaintiff states that he does not understand the
20 portion of Judge Metcalf’s order instructing him that future motions “should be supported
21 by references to the specific discovery requests served, and should summarize the
22 responses or objections, and should demonstrate why the responses are inadequate and/or
23 why the objections should be overruled.” Doc. 76 at 1. That Plaintiff did not understand
24 is not a ground for the Court to reconsider Judge Metcalf’s order. For the sake of clarity,
25 in any renewed motion to compel, Plaintiff must: (1) refer to a specific discovery request
26 which he has served on Defendants; (2) inform Judge Metcalf whether Plaintiff then
27 received any response or objection to his discovery request from Defendants; and (3)
28 explain to Judge Metcalf why any responses or objections submitted by Defendants were

1 either inadequate or should be overruled. Plaintiff also argues that he was not aware of
2 all of the Federal Rules of Civil Procedure. Doc. 83 at 2. This is not grounds for
3 reconsidering Judge Metcalf's order. See *King v. Atiyeh*, 814 F.2d 565, 567
4 (9th Cir. 1986) ("Pro se litigants must follow the same rules of procedure that govern
5 other litigants."); *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir. 1986) ("*pro se*
6 litigants in the ordinary civil case should not be treated more favorably than parties with
7 attorneys of record"); *Carter v. Comm'r of Internal Revenue*, 784 F.2d 1006, 1008 (9th
8 Cir. 1986) ("Although pro se, [plaintiff] is expected to abide by the rules of the court in
9 which he litigates.").

10 **IT IS ORDERED** that Plaintiff's objections (Docs. 82, 83) are **denied**.

11 Dated this 8th day of May, 2014.

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David G. Campbell
United States District Judge