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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Anant Kumar Tripathi,
10 Plaintiff,

11 v.

12 Corizon Incorporated, et al.,
13 Defendants.
14

No. CV-13-00615-TUC-DCB

ORDER

15 On November 9, 2018, Defendants filed a Motion to Exceed Page Limit and
16 lodged a Motion for Summary Judgment. Simultaneously, Defendants filed a Motion to
17 Seal the Motion for Summary Judgment. Both will be granted. The excess pages are
18 warranted because the claims involve six discrete areas of medical care and treatment
19 spanning five years. Likewise, sealing the motion should alleviate concern the Plaintiff
20 may have regarding his medical record being in the public domain.

21 On November 5, 2018, the Plaintiff filed a Motion for Procedural Order related to
22 his Motion for Summary Judgment which he filed on October 18, 2018. He seeks an
23 Order from this Court similar to a directive issued in 2016 in another case related to
24 another grievance whereby he was allowed to view legal CDs, i.e., do legal research,
25 every other day for three hours. Attached to his motion, the Court sees an Informal
26 Inmate Complaint Response dated June 8, 2018, from CO III D. Brennan confirming that
27 this special arrangement for the 2016 case is ended and unless there is a Court Order,
28 Tripathi shall not receive any additional time for legal reviews and can complete his legal

1 reviews during his assigned CO III's normal work hours and that these hours "should be
2 no more than 3 hours a day up to 3 days a week during programs (sic) normal working
3 hours Monday through Friday." (Motion Exhibits (Doc. 295-1) at 12.)

4 The Court has no reason to believe that the normal working hour schedule for
5 legal research will impede Plaintiff's access to this Court in this case. A directive like
6 that issued in the 2016 case will not issue from this Court unless Plaintiff can show that
7 the prison is not affording him ample opportunity to conduct the legal research necessary
8 to prepare the Response to the Motion for Summary Judgment and his Reply in support
9 of his Motion for Summary Judgment.

10 The Court denies Plaintiff's request to appoint an expert to testify that counsel for
11 Defendants should have known it was a violation of state and federal law for Corizon to
12 have released his medical records without his signed release. The Court denies the
13 Motion to Enlarge Time for the Response to the Motion for Summary Judgment to allow
14 time to obtain the above requested expert opinion.

15 **Accordingly,**

16 **IT IS ORDERED** that the Motion for Procedural Order (Doc. 295) is DENIED.

17 **IT IS FURTHER ORDERED** that the Motion to Seal (Doc. 297) is GRANTED
18 for the Clerk of the Court to file the lodged Motion for Summary Judgment and
19 Statement of Facts (Docs. 298, 299) UNDER SEAL.

20 **IT IS FURTHER ORDERED** that the Motion for Leave to file the Motion for
21 Summary Judgment (lodged 298) in excess of the page limit (Doc. 300) is GRANTED.

22 **IT IS FURTHER ORDERED** that the Motion for Appointment of Expert (Doc.
23 301) is DENIED.

24 **IT IS FURTHER ORDERED** that the Motion for Extension of Time to File
25 Response/Reply (Doc. 302) is DENIED.


26 **IT IS FURTHER ORDERED THAT THERE SHALL BE NO FURTHER**
27 **EXTENSIONS OF TIME FOR PLAINTIFF TO FILE THE RESPONSE AND REPLY.**

28 The time for filing these briefs shall commence as of the filing date of this Order. Failure

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to file the Response shall be deemed a consent to the summary granting of Defendant's Motion for Summary Judgment. (LRCiv. 7.2)(i).

Dated this 20th day of November, 2018.



Honorable David C. Bury
United States District Judge