

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

PAUL A. GORNICK SR.,

Plaintiff,

v.

CALIFORNIA DEPT. OF
CORRECTIONS, J. PAYNE,
DOCANTO, BRANDON, SGT. DICKS,
et al.,

Defendants.

Case No. 1:06-CV-00296-BLW-LMB

ORDER

There are several motions currently pending before this Court and referred to Magistrate Judge Larry M. Boyle by Orders of September 15 and 18, 2009 (Dkts. 59 & 60). Having reviewed the motions, responses, and the record in this matter, the Court enters the following Order.

ORDER

1. Pending before the Court is Plaintiff's Motion to Proceed in Forma Pauperis on Appeal (Dkt. 93). Because Plaintiff's Appeal has been dismissed, **IT IS ORDERED** that Plaintiff's Motion (Dkt. 93) is DENIED as MOOT.

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2. Also pending before the Court is Plaintiff's Objection to Lack of Discovery Submitted by Defense (Dkt. 108), wherein Plaintiff complains of the in camera submissions of relevant documents made by Defendants pursuant to Court Order. For the reasons set forth in the Order of November 2, 2010 (Dkt. 92) and Defendants' Notice of Production of Documents Under Seal in Compliance with Order of November 2, 2010 (Dkt. 98), **IT IS ORDERED** that Plaintiff's Objections (Dkt. 108) are **OVERRULED**. Defendants' counsel are officers of the Court. They have a strict duty to provide accurate relevant records, including any records that may be damaging to their clients' positions, to the Court for in camera review. The Court will review those records in conjunction with any motion referencing the records. At that time, the Court will also review whether it is necessary to appoint counsel to protect Plaintiff's interests. These safeguards adequately balance the security needs of the prison with Plaintiff's rights as an inmate litigant.
3. On November 2, 2010, the Court ordered the Clerk of Court to effect service upon Defendant M. DeCanto or DoCanto at the Corcoran State Prison, 4001 King Avenue, Corcoran, CA 93212. A return of service has not been filed. **IT IS ORDERED** that Plaintiff shall have until **thirty (30) days after entry of this Order** in which to provide a return of service or an alternative service address for this Defendant, or claims against this

Defendant will be dismissed without prejudice.

4. Defendants earlier requested an extension of time to file dispositive motions in this case. Good cause appearing, **IT IS ORDERED** that all motions for summary judgment and other potentially dispositive motions shall be filed with accompanying briefs **within sixty (60) days after entry of this Order**. Responsive briefs to such motions shall be filed within **thirty (30) days after service of motions**. Reply briefs, if any, shall be filed **within fourteen (14) days after service of responses**. Neither party shall file supplemental responses, replies, affidavits, or other filings not authorized by the Local Rules without prior leave of Court. No motion or memorandum, typed or handwritten, shall exceed 20 pages in length.



DATED: **February 7, 2011.**

A handwritten signature in black ink, appearing to read "Larry M. Boyle".

Honorable Larry M. Boyle
United States Magistrate Judge