

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILLIE LEE CARPENTER,

Plaintiff,

v.

W. . SULLIVAN, et al.,

Defendants.

CASE NO. 1:07-cv-00114-AWI-GBC (PC)

ORDER DENYING PLAINTIFF’S RENEWED  
MOTION FOR ASSISTANCE FACILITATING  
COMMUNICATION WITH INMATE  
WITNESSES, WITHOUT PREJUDICE TO  
RENEWAL WITHIN FORTY-FIVE DAYS

(Doc. 104)

Plaintiff Willie Lee Carpenter (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 27, 2010, Plaintiff filed a motion to compel to allow Plaintiff to correspond with inmate witnesses and to compel to provide locations of nineteen inmates in order to prepare evidence for his case. (Doc. 84). On December 14, 2010, the Court denied Plaintiff’s motion and stated that before the Court would intervene by requesting that Plaintiff and his inmate witnesses be authorized to correspond, Plaintiff must demonstrate that his potential inmate witnesses possess information relevant to this litigation and that Plaintiff must first follow the regulations for inmate correspondence pursuant to Cal. Code Regs., tit. 15 § 3139 (2010). (Doc. 90).

The Court also informed Plaintiff that the Court does not have jurisdiction in this action over anyone other than Plaintiff and Defendants, and cannot order that Plaintiff be allowed to correspond with his witnesses. *E.g., City of Los Angeles v. Lyons*, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*, 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); *Jones v. City of Los Angeles*, 444 F.3d 1118, 1126 (9th

Cir. 2006).

On February 14, 2011, Plaintiff filed a renewed his motion for Court-facilitated correspondence with inmate witnesses. (Doc. 104). In Plaintiff's motion, he has detailed the relevant knowledge of the inmate witnesses with whom he wishes to correspond. (Doc. 104). However, Plaintiff, has not demonstrated that he has first followed the procedures as outlined in section 3139 of Title 15 of the California Code of Regulations and Plaintiff has failed to provide documentation that he has been refused the ability to correspond with inmate witnesses. (Doc. 104).

Accordingly, for the reasons set forth herein, Plaintiff's motion for Court-facilitated inmate correspondence, filed February 14, 2011, is **HEREBY DENIED**, without prejudice to renewal within **forty-five (45) days** from the date of service of this order.

IT IS SO ORDERED.

Dated: October 31, 2011

  
UNITED STATES MAGISTRATE JUDGE