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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 **MICHAEL IOANE, et al,**

9 **Plaintiffs**

10 **v.**

11 **KENT SPJUTE, et al,**

12 **Defendants**

**CASE NO. 1:07-CV-0620 AWI EPG**

**ORDER RE: REQUESTS FOR  
ADDITIONAL MONTHLY PHONE  
MINUTES AT TAFT CORRECTIONAL  
INSTITUTION AND TO FILE RECORDS  
UNDER SEAL**

**(Docs. 367 and 368)**

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14 Plaintiff Michael Ioane, Sr. is incarcerated at Taft Correctional Institute where he is given  
15 300 minutes per month of phone time. Michael Ioane, Sr. is asking for an additional 650 minutes  
16 per month to deal with legal issues in this case and other litigation. Defendants oppose the  
17 request. Michael Ioane, Sr. states “Absent an order from Court directed to the Bureau of Prisons,  
18 Ioane will not be able to prepare this action for trial or appropriately handle his criminal and other  
19 civil matters which is in violation of the policy of the federal court to allow inmates access to  
20 courts to address their legal matters while in prison.” Doc. 367, 4:24-5:3. In a related motion,  
21 Michael Ioane, Sr. sought to file his wife’s (Plaintiff Shelly Ioane) medical report under seal. Doc.  
22 368. Plaintiff explains that he provides it as evidence in support of his request for an increase in  
23 the monthly phone limit: “Because Mrs. Ioane’s present condition renders her unable to assist in  
24 trial preparation, Mr. Ioane needs reasonable accommodations from the Court, including increased  
25 monthly phone minutes so that he may communicate with witnesses, attorneys, paralegals, legal  
26 service providers, and others in order to prepare for trial.” Doc. 374, 3:2-7. Michael Ioane, Sr. has  
27 not shown that the limit placed on his use of the phone constitutes an “actual injury – that is,  
28 actual prejudice with respect to contemplated or existing litigation, such as the inability to meet a

1 filing deadline or to present a claim.” Lewis v. Casey, 518 U.S. 343, 348 (1996), citations omitted.  
2 Michael Ioane, Sr. asserts that “For example, making a telephonic appearance on a District Court  
3 law and motion matter may entail an hour or more on the line until the case is called.” Doc. 367,  
4 4:13-15. However, non-party Taft Correctional Institute has clarified that all of Plaintiff’s calls for  
5 court hearings in this case (including time waiting for the matter to be called) are handled in a  
6 special manner that does not count against his monthly limit. This motion can be resolved without  
7 examining the medical records of Shelly Ioane. Even assuming that she is unable to take  
8 additional steps to assist him in this case, that places Michael Ioane, Sr. in the same position as an  
9 inmate without any family outside the prison. No special procedures appear to be warranted.  
10 “[J]ail officials are not constitutionally compelled to provide ‘ideal’ access to the courts, and  
11 plaintiff’s allegations of limited access to phones, law libraries and legal materials are insufficient  
12 to satisfy the ‘actual injury’ requirement.” Lookadoo v. L.A. Cnty. Sheriff’s Dep’t, 2016 U.S.  
13 Dist. LEXIS 14508, \*19 (C.D. Cal. Feb. 4, 2016).

14 Plaintiff Michael Ioane, Sr.’s request for 650 minutes per month additional phone time is  
15 DENIED. Plaintiff Michael Ioane, Sr.’s request to file medical records under seal is DENIED.

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17 IT IS SO ORDERED.

18 Dated: March 29, 2016

  
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19 SENIOR DISTRICT JUDGE  
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