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

John James, III,

Plaintiff,

vs.

A.K. Scribner, et al.,

Defendants.

No. CV 07-880-TUC-RCC

ORDER

Pending before this Court is Plaintiff’s motion to communicate with witnesses. (Dkt. # 54). In his motion, Plaintiff seeks a court order allowing him to communicate with inmates he claims are witnesses to the claims raised in this action. For the reasons set forth below, the Court will deny Plaintiff’s motion without prejudice.

Inmates may only correspond with one another if they obtain written authorization from the appropriate prison officials. Cal.Code Regs., tit. 15 § 3139 (2010). The Court does not have jurisdiction in this action over anyone other than Plaintiff and Defendants, and cannot order Plaintiff be allowed to correspond with his witnesses. *E.g. City of Los Angeles v. Lyons*, 461 U.S. 95, 102; *Jones v. City of Los Angeles*, 444 F.3d 1118, 1126 (9th Cir. 2006). However, the Court will request that Plaintiff and his inmate witnesses be authorized to correspond if the Court is satisfied that the witnesses possess actual knowledge of relevant

1 facts. Plaintiff is required to make that showing with respect to each witness, and may not
2 rely on conclusory assertions that the witnesses possess relevant knowledge.

3 Here, Plaintiff has not made the requisite showing with respect to his witnesses. In
4 his motion, Plaintiff does not include the names of his inmate witnesses nor does he provide
5 the Court with a factual showing that these potential witnesses possess actual knowledge of
6 relevant facts. Plaintiff may renew his motion for the Court's assistance in facilitating
7 communication with his inmate witnesses, supported by a factual showing that the witnesses
8 possess actual knowledge. If Plaintiff chooses to renew his motion, he must do so within 45
9 days from the date of service of this order. A motion filed after that date will not be
10 considered, unless a timely extension of time is sought by Plaintiff.

11 And finally, under no circumstances will this Court request Plaintiff be permitted to
12 correspond with other inmates shielded entirely from review or oversight by prison officials.
13 If Plaintiff renews his motion and makes the requisite showing, prison official are entitled
14 to and will be notified that they may fashion the procedure for the exchange of documents
15 so as to ensure the safety and security of the institutions at which Plaintiff and the other
16 inmates are housed.

17 Therefore, **IT IS HEREBY ORDERED** that Plaintiff's Motion to Communicate with
18 Witnesses (Dkt. #54) is **denied without prejudice**. Plaintiff may filed a renewed motion
19 within **45 days** from the date of service of this order.

20 DATED this 25th day of May, 2010.

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24 **Raner C. Collins**
25 **United States District Judge**
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