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

Jesus Estevez,

Plaintiff,

vs.

A. Hedgepeth, et al.,

Defendants.

) No. CV-07-01553-ROS

) **ORDER**

Before the Court is Plaintiff’s Motion for a Preliminary Injunction, (Doc. 46), and Motion for a Court Order Directing Prison Officials to Allow Plaintiff Access to the Law Library and Materials, (Doc. 48). The Motion for a Preliminary Injunction will be denied, and the Motion for an Injunction allowing access to the law library will be granted.

STANDARD

Plaintiff seeks a preliminary injunction, and therefore must establish: 1) that Plaintiff is likely to succeed on the merits, 2) that Plaintiff is likely to suffer irreparable harm in the absence of preliminary relief, 3) that the balance of equities tips in Plaintiff’s favor, and 4) that an injunction is in the public interest. *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 877 (9th Cir. 2009).

1 **DISCUSSION**

2 **I. Motion for a Preliminary Injunction**

3 Plaintiff alleges he is experiencing severe pain that affects his daily activities, and
4 Defendants have denied him medical treatment with deliberate indifference to his serious
5 medical needs. Plaintiff requests an injunction requiring Defendants to provide Plaintiff with
6 a health corrective action plan that was submitted to the Kern County Superior Court on
7 December 18, 2009.

8 Defendants argue Plaintiff is already receiving the treatment he requests in his Motion
9 for a Preliminary Injunction. Defendants contend Plaintiff has received constant medical care
10 and treatment for pain management, and that they are complying with the treatment plan.
11 Defendants cite a declaration from Dr. Sherry Lopez, in which she avers that the pain
12 management plan submitted by the Kern Superior Court has been complied with and
13 continues to be complied with. (Doc. 47-1). Plaintiff presents no evidence or other grounds
14 on which the Court could infer Dr. Lopez’s declaration is false. Defendant fails to show a
15 likelihood of success on the merits, and his Motion will be denied.

16 **II. Motion for Order Directing Prison Officials to Allow Plaintiff Access to the Law**
17 **Library and Materials**

18 Plaintiff requests an order requiring Defendants to allow plaintiff access to the law
19 library to conduct legal research and to use the legal materials necessary for his litigation.
20 Plaintiff cites his own declaration, in which he states that he is not being allowed to use the
21 law library, books, or other legal materials at the Kern Valley State Prison. Defendants did
22 not file a response. The Motion will be granted.

23 Accordingly,

24 **IT IS ORDERED** Plaintiff’s Motion for a Preliminary Injunction (Doc. 46) **IS**
25 **DENIED.**

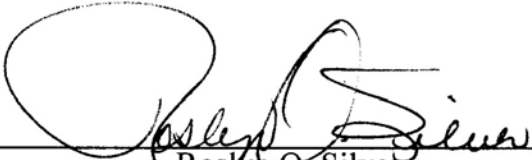
26 **FURTHER ORDERED** Plaintiff’s Request for a Ruling (Doc. 57) **IS HEREBY**
27 **GRANTED.**

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FURTHER ORDERED Plaintiff's Motion for a Court Order Allowing Access to Law Library (Doc. 48) **IS GRANTED** as follows. Defendants shall not prevent Plaintiff from making reasonable use of the law library and legal materials available to inmates at the Kern Valley State Prison, in order for Plaintiff to conduct research for this litigation.

DATED this 2nd day of September, 2010.



Roslyn O. Silver
United States District Judge