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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RICKY W. JAMES,

Plaintiff,

v.

J. WILBER, et al.,

Defendants.

CASE NO. 1:08-cv-00351-SKO PC

ORDER GRANTING MOTION FOR COPIES OF SELECT FEDERAL AND LOCAL RULES, AND REQUESTING DEFENSE COUNSEL'S ASSISTANCE IN FACILITATING MINIMAL ACCESS FOR PLAINTIFF TO PREPARE FOR TRIAL

(Doc. 86)

Plaintiff Ricky W. James, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 12, 2008. This action is set for jury trial on January 15, 2013. On August 20, 2012, Plaintiff filed a motion seeking copies of select Federal and Local Rules to assist him in preparing his pretrial statement, which is due on October 1, 2012. Plaintiff also seeks access to the law library at Kern Valley State Prison.

Plaintiff's request for copies of Federal Rules 16(c) and 26(a)(3), and Local Rules 138(e) and 293 shall be granted.

As Plaintiff recognizes, the Court's jurisdiction is limited and it cannot order prison officials to allow Plaintiff access to the law library. E.g., Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 102-04, 118 S.Ct. 1003 (1998); American Civil Liberties Union of Nevada v. Masto, 670 F.3d 1046, 1061-62 (9th Cir. 2012). In addition to jurisdictional limitations, expertise in managing the day-to-day operations of a prison, including maintaining the safety and security of inmates and staff, lies with prison officials and not courts. See e.g., Overton v. Bazzetta, 539 U.S. 126, 132, 123 S.Ct. 2162 (2003) (prison officials entitled to substantial deference); Sandin v. Conner, 515 U.S. 472, 482-

1 83, 115 S.Ct. 2293 (1995) (disapproving the involvement of federal courts in the day-to-day-  
2 management of prisons).

3 Nevertheless, this civil rights action is set for jury trial and Plaintiff is entitled to some  
4 accommodation to allow him to prepare for trial. Silva v. Vittorio, 658 F.3d 1090, 1101-04 (9th Cir.  
5 2011). While access to the law library and/or legal materials may be far less than ideal, there must  
6 still be some access. Id. To that end, the Court requests that Defendants' counsel, as an officer of  
7 the court, contact the Litigation Office at Kern Valley State Prison to notify litigation staff of the  
8 upcoming jury trial and to request that they facilitate at least minimal accommodation to allow  
9 Plaintiff to prepare for trial, which includes complying with the deadlines set in the second  
10 scheduling order. Counsel's cooperation is appreciated.

11 Accordingly, based on the foregoing, it is HEREBY ORDERED that:

- 12 1. Plaintiff's motion for copies and law library access, filed on August 20, 2012, is  
13 GRANTED in part as set forth above;
- 14 2. The Clerk's Office shall send Plaintiff courtesy copies of Federal Rules 16 and 26,  
15 and Local Rules 138 and 293; and
- 16 3. Defendants' counsel is requested to contact the Litigation Office at Kern Valley State  
17 Prison to notify staff of the upcoming trial in this action and request that staff  
18 facilitate sufficient access to the law library and/or legal material to allow Plaintiff  
19 to prepare for trial and comply with the second scheduling order.

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22 IT IS SO ORDERED.

23 **Dated: August 28, 2012**

24 **/s/ Sheila K. Oberto**  
25 **UNITED STATES MAGISTRATE JUDGE**