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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL D. HARRISON,

CASE NO. 1:08-cv-1065-MJS (PC)

Plaintiff,

ORDER DENYING MISCELLANEOUS  
MOTIONS

v.

(ECF Nos. 57, 61, 62 & 63)

D. ADAMS, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff Michael D. Harrison ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction in this case; no other parties have appeared. (ECF No. 7.)

Before the Court are: (1) Plaintiff's December 15, 2010 Motion for Leave to File Fourth Amended Complaint (ECF No. 57); (2) Plaintiff's January 10, 2011 Motion for Information (ECF No. 61); (3) Plaintiff's February 4, 2011 Motion Requesting Entitlement (ECF No. 62); and (4) Plaintiff's February 4, 2011 Motion for Transfer (ECF No. 63). Each of these motions will be addressed in turn below.

1 **I. MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT**

2 On December 15, 2010, Plaintiff filed a Motion for Leave to file a Fourth Amended  
3 Complaint. Before the Court addressed this Motion, the Court screened Plaintiff's Third  
4 Amended Complaint and ordered him to either file a fourth amended complaint or indicate  
5 his willingness to proceed on the claims found cognizable by the Court. (ECF No. 58.) On  
6 January 10, 2011, Plaintiff filed his Fourth Amended Complaint. (ECF No. 60.)  
7

8 Accordingly, Plaintiff's Motion for Leave to File Fourth Amended Complaint is  
9 DENIED as moot.

10 **II. MOTION FOR INFORMATION**

11 On January 10, 2011, Plaintiff filed a Motion for Information and attached  
12 documents that he asks the Court to consider in conjunction with his Fourth Amended  
13 Complaint. (ECF No. 61.) The Court GRANTS Plaintiff's Motion for Information and will  
14 consider the attached documents as part of Plaintiff's Fourth Amended Complaint.  
15

16 **III. MOTION REQUESTING ENTITLEMENT**

17 On February 4, 2011, Plaintiff filed a Motion Requesting Entitlement in which Plaintiff  
18 asks that the Court retitle the docket in this case because D. Adams, the first Defendant  
19 listed on the docket, and therefore the name appearing in the case caption, is not named  
20 in his Fourth Amended Complaint. (ECF No. 62.) These comments aside, D. Adams is  
21 the first named Defendant in Plaintiff's Fourth Amended Complaint. (ECF No. 60.) If  
22 Plaintiff wishes to dismiss his claims against D. Adams, he can so move or file an  
23 amended complaint that omits Adams. But until that time, Adams will remain as the lead  
24 Defendant in the case caption.  
25

26 Accordingly, Plaintiff's Motion Requesting Entitlement is DENIED.  
27

1 **IV. MOTION FOR FEDERAL PLACEMENT**

2 On February 4, 2011, Plaintiff filed a Motion Requesting Federal Placement Under  
3 FRCP Rule 78. (ECF No. 63.) Plaintiff contends that the illegal actions of prison officials  
4 at Corcoran are causing him such significant harm that the Court should order that he be  
5 transferred to federal custody “never to be brought back for any reason pluss [sic] have  
6 defendants pay for all related cost of the transfer and housing and medical and all cost  
7 during federal placement.” (Id. at 4.)

9 Plaintiff cites Title 15, Section 3379(a)(1)(7) as the authority for the Court to order  
10 that Plaintiff be transferred to federal prison. The Court has reviewed the cited authority  
11 and concludes that it entitles CDCR to transfer Plaintiff to federal prison but does not  
12 authorize the Court to so order the transfer. Plaintiff also cites Federal Rule of Civil  
13 Procedure 78. It does not authorize the Court to order that Plaintiff be transferred. If  
14 Plaintiff can provide the Court with a citation to legal authority authorizing the Court to order  
15 the transfer Plaintiff requests, the Court will consider same. For now, Plaintiff’s Motion for  
16 Transfer is DENIED.  
17

18 **V. CONCLUSION AND ORDER**

19 For the reasons stated above, the Court hereby ORDERS the following:

- 20
- 21 1. Plaintiff’s Motion for Leave to File Fourth Amended Complaint (ECF No. 57)
  - 22 is DENIED as moot;
  - 23 2. Plaintiff’s Motion for Information (ECF No. 61) is GRANTED;
  - 24 3. Plaintiff’s Motion Requesting Entitlement (ECF No. 62) is DENIED; and

25  
26 *////*

27 *////*

1 4. Plaintiff's Motion for Transfer (ECF No. 63) is DENIED.

2 IT IS SO ORDERED.

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4 Dated: February 28, 2011

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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