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

JASIMI JERMAINE CALLOWAY,

1:08-cv-01896-LJO-GSA-PC

Plaintiff,

ORDER DENYING MOTION FOR
FREE COPIES
(Doc. 69.)

vs.

WARDEN M. VEAL, et al.,

ORDER GRANTING PLAINTIFF LEAVE
TO FILE OPPOSITION WITHOUT
PROOF OF SERVICE

Defendants.

_____ /

Jasimi Jermaine Calloway (“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 filed this action on December 10, 2008. (Doc. 1.) This action now proceeds on the Third Amended Complaint filed on October 5, 2009, on Plaintiff’s Eighth Amendment claims, against defendant Dr. Wang for deliberate indifference to Plaintiff’s serious medical needs, and against defendants C/O Hayward and C/O Oaks for use of excessive force.¹ (Doc. 20.) Plaintiff is presently incarcerated at Kern Valley State Prison (“KVSP”) in Delano, California. On May 18, 2012, Plaintiff filed a motion for the court to provide him with copies of his opposition to Defendants’ motion for summary judgment, and to serve copies of the opposition on Defendants and Plaintiff. (Doc. 69.)

¹On March 17, 2011, the Court dismissed all other claims and defendants from this action, under Rule 18(a) or for Plaintiff’s failure to state a claim. (Doc. 24.)

1 Plaintiff asserts that he needs copies of his opposition from the Court because the copy
2 machine at KVSP's law library does not make legible copies, and the prison has not replaced the
3 broken machine for over four months. Plaintiff requests that the court assist him with service by
4 serving a copy of his opposition on Defendants, and he also requests a copy for his own records.

5 Plaintiff is advised that the Clerk does not ordinarily provide free copies of case documents
6 to parties. The Clerk does not ordinarily return a conformed copy of a document submitted for filing
7 unless the sender submits two copies of the document and a large enough self-addressed envelope
8 with sufficient postage to mail back a conformed copy. The Clerk charges \$.50 per page for copies
9 of documents. See 28 U.S.C. § 1914(a). Copies of up to twenty pages may be made by the Clerk's
10 Office at this Court upon written request and prepayment of the copy fees.² The fact that the Court
11 has granted leave for Plaintiff to proceed in forma pauperis does not entitle him to free copies of
12 documents from the Court. Under 28 U.S.C. § 2250, the Clerk is not required to furnish copies
13 without cost to an indigent petitioner except by order of the judge. Plaintiff's request for free copies
14 shall be denied.

15 However, to enable Plaintiff to file and serve his opposition, Plaintiff shall be granted leave,
16 in this one instance and for this limited purpose, to submit his opposition to the Court without a
17 proof of service. Upon receipt of Plaintiff's opposition, the Court shall electronically serve a copy of
18 the opposition upon the Defendants. Such service upon Defendants shall suffice. L. R. 135(g)(1);
19 Fed. R. Civ. P. 5(b)(2)(E). Plaintiff should send his opposition to the Court for filing before the
20 deadline established in the Court's May 17, 2012 order. After the opposition is filed, Plaintiff can
21 then submit a request for a copy in writing to the Clerk, a large self-addressed envelope affixed with
22 sufficient postage, and prepayment of copy costs to the Clerk.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Plaintiff's motion for the Clerk to provide him with free copies is DENIED; and

25 _____
26 ²For larger copy orders, contact Attorney's Diversified Service (ADS) by writing to them at 741 N. Fulton
27 Street, Fresno, CA 93728, by phoning 1-800/842-2695, by Faxing a request to 559/486-4119, or by leaving a voice
28 mail at 559/259-8544.

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2. Plaintiff is GRANTED leave, in this one instance and for this limited purpose, to submit his opposition to Defendants' motion for summary judgment to the Court for filing without a proof of service.

IT IS SO ORDERED.

Dated: May 21, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE