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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICK WOODALL,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

CASE NO. 1:08-CV-01948-OWW-DLB PC

ORDER DENYING MOTION FOR
COMMUNICATION WITH INMATE
WITNESS AS MOOT (DOC. 75)

_____/

Plaintiff Nick Woodall (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint against Defendants T. Gonzalez, T. Lawson, A. Olive, A. Raygoza, and M. Sexton for deliberate indifference in violation of the Eighth Amendment. On August 31, 2010, Plaintiff moved for an order permitting communication between Plaintiff and inmate Inglett, Plaintiff’s former cell mate who may have relevant information regarding this action. Plaintiff requested communication with inmate Inglett in order for him to provide a declaration about the events at issue. On December 13, 2010, the Court denied Plaintiff’s motion as moot, finding that Plaintiff had been approved to communicate with inmate Inglett via institutional procedures. A court order was unnecessary.

On January 19, 2011, Plaintiff moved for the Court to vacate its previous order. Doc. 75. Plaintiff contends that though he was approved to communicate with inmate Inglett, inmate Inglett was not approved to communicate with Plaintiff.

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A review of the court record indicates that Plaintiff was able to obtain a declaration from inmate Inglett concerning the events in this action. *See* Pl.'s Mem. Support Mot. Summ. J., Ex. III, Doc. 68. Plaintiff filed this declaration as an exhibit in support of Plaintiff's motion on December 7, 2010. Plaintiff provides no other reason which requires communication with inmate Inglett at this time. Thus, it appears that Plaintiff's motion is moot.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion for a court order to communicate with inmate Inglett, filed January 19, 2011, is denied as moot.

IT IS SO ORDERED.

Dated: July 21, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE