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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOSHUA J. CANTU,

Plaintiff,

v.

M. GARCIA, et al.,

Defendants.

CASE NO. 1:09-cv-00177-GBC PC

ORDER DENYING PLAINTIFF’S MOTION  
FOR PHOTOCOPYING

(ECF No. 16)

Plaintiff Joshua J. Cantu (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the first amended complaint filed July 26, 2010, against Defendants M. Garcia and three Doe Correctional Officers for use of excessive force in violation of the Eighth Amendment.

On November 29, 2010, an order was issued requiring Plaintiff to serve the complaint within 120 days. On February 7, 2011, Plaintiff filed a motion for a court order allowing him unhindered use of/or right to copies. Plaintiff’s requests the order because the copy machine at the law library is out of order. He submitted a request for copies and it was denied as his deadline is not until March 2011, giving him ample time to receive copy services.

Plaintiff’s motion for a court order shall be denied. Prison administrators "should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security." Whitley v. Albers, 475 U.S. 312, 321-322 (1986) (quoting Bell v. Wolfish, 441 U.S. 520, 547 (1970)). While inmates do have a constitutional right to access to the courts, it does not include

1 unlimited access to the law library and photocopies. Sands v. Lewis, 886 F.2d 1166, 1169 (9th Cir.  
2 1989) overruled on other grounds by Lewis v. Casey, 581 U.S. 343, 350-55 (1996). Should Plaintiff  
3 continue to be unable to make copies which prevents him from timely serving the complaint he may  
4 request an extension of time by filing a motion prior to the date that service of process is due.

5           Accordingly, based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for  
6 a court order granting him unhindered use of/or right to copies is DENIED.

7           IT IS SO ORDERED.

8 Dated: February 9, 2011

  
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10 UNITED STATES MAGISTRATE JUDGE