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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TRACY TAYLOR,

Plaintiff,

v.

SUSAN HUBBARD, et al.,

Defendants.

CASE NO. 1:10-cv-00404-LJO-BAM PC

ORDER DENYING PLAINTIFF’S MOTION  
FOR A QUICK DECISION ON MOTION FOR  
PRELIMINARY INJUNCTION

(ECF No. 69)

Plaintiff Tracy Taylor is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc-1 (the Religious Land Use and Institutionalized Persons Act of 2000) (“RLUIPA”). This action is proceeding on Plaintiff’s Second Amended Complaint, filed May 15, 2012, against Defendants Cate, Harrington, and Wegman for violation of the Free Exercise Clause of the First Amendment. (ECF No. 51.) Plaintiff filed motion for a quick decision on his motion for a preliminary injunction on August 17, 2012. (ECF No. 69.)

In his motion, Plaintiff states that his radio/compact disk/cassette player has been confiscated and requests a decision on his motion for a preliminary injunction by September 3, 2012. Plaintiff has filed two motions for a preliminary injunction and Defendants Harrington and Wegman have filed an opposition. Although Plaintiff lists numerous items that wants to possess in his cell for religious purposes, the substance of Plaintiff’s complaint regards the possession of tobacco in his cell for his religious ceremony. Plaintiff is claims that the policies implemented by Defendant Cate are violating his rights under the First Amendment and RLUIPA.

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1           Accordingly Plaintiff's motion will not be decided until Defendant Cate has an opportunity  
2 to respond. Defendant Cate has now appeared in this action, and been ordered to file a response  
3 within twenty days. Plaintiff's motion for a quick response is DENIED.

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5           IT IS SO ORDERED.

6 **Dated: September 19, 2012**

/s/ **Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE