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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM P. GARCIA,

1:10-cv-00447-LJO-DLB PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTIONS
FOR SANCTION

v.

ECF Nos. 78, 81

R. TOLSON, et al.,

Defendants.

Plaintiff William P. Garcia (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s first amended complaint, filed May 24, 2010, against Defendants K. Allison, F. Diaz, D. Ibarra, S. Knight, C. Palmer, R. Santos, R. Tolson, K. Turner, and C. Walters for violation of the First Amendment, the Equal Protection Clause of the Fourteenth Amendment, and the Religious Land Use and Institutionalized Persons Act of 2000.

On November 16, 2012 and December 28, 2012, Plaintiff filed motions for sanctions against Defendants and their counsel regarding a preliminary injunction granted by the Court on September 22, 2011.¹ ECF Nos. 78, 81. Defendants filed their opposition on December 10, 2012 and January 18, 2013. ECF Nos. 80, 83. Plaintiff filed his reply on February 4, 2013. ECF No. 87. The matter is submitted pursuant to Local Rule 230(l).

¹The Court had granted a preliminary injunction on September 22, 2011, ordering Defendants to provide Plaintiff with the Kosher meals that are provided other similarly situated prisoners and to provide Plaintiff with a means for Plaintiff to pray and to perform his religious duties, prior to, during, and/or after the breakfast meal. ECF No. 53.

1 Plaintiff moves for sanctions against Defendants and their counsel, contending that in
2 September of 2012, religious meals were provided by a different supplier, Earth Kosher. Plaintiff
3 complains of the quality of the meals provided, contending that the meals are improperly opened,
4 rotten, spoiled, stale, contaminated, and foul-tasting. Plaintiff complains that an appeals coordinator
5 name C. M. Heck is working in concert with Defendants to deny Plaintiff's 602 inmate appeal
6 concerning this matter.

7 Defendants contend that: 1) the preliminary injunction has expired, 2) Plaintiff is receiving
8 kosher meals, and 3) Plaintiff should utilize the grievance process if he has any problems with his
9 meals.

10 Plaintiff has failed to demonstrate that Defendants have engaged in any conduct that merits
11 sanction. Pursuant to 18 U.S.C. § 3626(a)(2), which governs civil actions with respect to prison
12 conditions, a preliminary injunction expires ninety days after entry, unless the court makes the
13 findings required for prospective relief in section (a)(1) and makes the order final before the
14 expiration of the 90-day period. The Court did not make such a finding. Accordingly, the order
15 granting preliminary injunction has expired.

16 Plaintiff's accusation that Defendants and Defendants' counsel are purposefully violating
17 Plaintiff's constitutional rights in concert with non-parties is purely speculative. Plaintiff has
18 provided no evidence substantiating his accusation.

19 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motions for sanction, filed
20 December 10, 2012 and January 18, 2013, are denied.

21 IT IS SO ORDERED.

22 **Dated: March 6, 2013**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE