UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN EDWARD MITCHELL,	**Case No. 1:11-cv-01205-LJO-JLT (PC)**
Plaintiff,	**ORDER STRIKING PLAINTIFF'S NOTICE/LETTER FROM THE DOCKET IN THIS CASE**
v.	
PENA, et al	**(Doc. 34)**
Defendants.	

Plaintiff, John Edward Mitchell, is a state prisoner proceeding pro se and in forma pauperis, in this civil rights action pursuant to 42 U.S.C. § 1983 which he filed on July 21, 2011. On October 3, 2013, Plaintiff filed a document entitled "Letter to Magistrate." (Doc. 34.) In this letter, Plaintiff states that he intends it for good cause to show that he ". . . did not intentionally avoid a telephone conference with defendants and or the Court." (*Id.*, at pp. 1-2.) Plaintiff then goes on to describe a variety of incidents that have occurred which "have or are currently interfering with [his] access to this Court." (*Id.*) Plaintiff does not ask for any specific action by the Court. (*Id.*)

Plaintiff was advised in the First Informational Order in this case that the Court cannot serve as a repository for the parties' evidence, that he may not file evidence with the Court until the course of litigation brings the evidence into question, and that evidence improperly submitted to the court will be returned or stricken. (*Id.*, at p. 4.)

If Plaintiff feels that the events he has detailed in his letter have amounted to a violation of

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his constitutional rights, his recourse is to file another action. As to Plaintiff's concern regarding the timeliness of his response to Defendants and/or this Court, if he experiences events that cause delays he should request extensions of time for each such required response and the circumstances will be evaluated individually for a showing of good cause as needed.

Accordingly, Plaintiff's "Letter to Magistrate," filed October 3, 2013 (Doc. 34), is **STRICKEN**.

IT IS SO ORDERED.

Dated: **November 14, 2013**   **/s/ Jennifer L. Thurston**
                                                    UNITED STATES MAGISTRATE JUDGE