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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,
Plaintiff,
v.
C/O AUSTIN, et al.,
Defendants.

Case No. 1:12-cv-00296-DAD-BAM-PC
ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO
COMPLETE AND RETURN USM 285
FORMS TO THE COURT
(ECF Nos. 54, 57)

Plaintiff Barry Louis Lamon is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 4, 2016, an order was entered, finding that the February 23, 2015, second amended complaint stated a claim for relief against Defendants Amrhein, Bondoc, Schultz, Wilson and Yzguerra on Plaintiff's First Amendment retaliation claim, Plaintiff's state law negligence claim, and Plaintiff's claims under California Civil Code § 52.1. Plaintiff was directed to complete and return to the Court USM-285 forms for service of process.

On May 2, 2016, Plaintiff returned to the Court documentation regarding his efforts at exhausting his available administrative remedies. On May 19, 2016, an order was entered, granting Plaintiff a thirty day extension of time to return the USM 285 forms to the Court. On June 9, 2016, Plaintiff filed a second request for extension of time, which was granted on June

1 14, 2016. On June 30, 2016, Plaintiff filed a motion for preliminary injunctive relief (ECF No.
2 52.) Plaintiff sets forth generalized allegations of retaliation and references other lawsuits that
3 he has filed. Plaintiff indicates that in May of 2016, he was transferred to a mental health crisis
4 bed at CSP Corcoran, and has had difficulty in gaining access to his legal property. Plaintiff has
5 also had difficulty in making copies of the second amended complaint. Plaintiff seeks an order
6 directing officials at Corcoran to provide him access to his legal property. Plaintiff's requests for
7 injunctive relief will be addressed by separate recommendation.

8 On July 13, 2016, Plaintiff filed another request for extension of time to return the USM
9 285 forms to the Court. (ECF No. 54.) Plaintiff indicated that he was on a medical hold,
10 awaiting assignment to a mental health crisis bed. Plaintiff alleged generally that officials
11 interfered with his ability to complete and return the USM 285 forms to the Court. On
12 September 15, 2016, Plaintiff filed another request for extension of time. (ECF No. 57.)
13 Plaintiff indicates that he is now in a psychiatric bed at Salinas Valley State Prison. Plaintiff's
14 motion consists of sixteen pages of allegations, setting forth complaints about the conditions of
15 confinement in general while Plaintiff was housed at Kern Valley State Prison, Corcoran State
16 Prison, and Salinas Valley State Prison. Plaintiff also refers to other lawsuits he is pursuing.
17 Plaintiff contends that, in general, it is difficult for him to comply with the Court's order, due to
18 the conduct of correctional officials in general, and the lack of access to his property.

19 In order for this action to proceed, Plaintiff must complete and return to the Court the
20 USM 285 forms for service of process. In order to accommodate any difficulty in gaining access
21 to copying, the Court will prepare the appropriate number of copies of the second amended
22 complaint for submission to the U.S. Marshal. In order for Plaintiff to complete the information
23 for the USM-285 forms, the Court will send to Plaintiff a copy of the second amended complaint
24 and a copy of the September 22, 2015, findings and recommendations, finding that the second
25 amended complaint stated a claim for relief against Defendants Amrhein, Bondoc, Schultz,
26 Austin, Wilson, and Yzguerra. There is adequate information in those documents for Plaintiff to
27 identify the Defendants and complete the USM 285 forms. The Court will also send to Plaintiff
28 additional USM 285 forms. The Court will grant Plaintiff a thirty-day extension of time to

1 complete and return to the Court the USM-285 forms for service of process. Plaintiff is warned
2 that failure to comply with the Court's order will result in a recommendation that this action be
3 dismissed for Plaintiff's failure to prosecute and failure to obey a Court order.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's motion for extension of time is GRANTED;
- 6 2. The Clerk's Office shall send to Plaintiff the following:
 - 7 a. six USM-285 forms for service of process;
 - 8 b. a copy of the February 23, 2015, second amended complaint;
 - 9 c. a copy of the September 22, 2015, findings and recommendations;
- 10 3. Plaintiff shall, within thirty days of the date of service of this order, complete and
11 return to the Court the USM-285 forms for service of process.

12 IT IS SO ORDERED.

13 Dated: September 26, 2016

14 /s/ Barbara A. McAuliffe
15 UNITED STATES MAGISTRATE JUDGE