

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
7

8 MARLON BLACHER,

9 Plaintiff,

10 v.

11 S. JOHNSON,

12 Defendant.
13
14

1:12-cv-01159-EPG (PC)

ORDER ON PLAINTIFF'S PETITION FOR
REISSUANCE OF ALL DETAILS
CONCERNING INITIAL
DISCLOSURES/RELIEF FROM ANY
UNINTENDED DEFAULT
(ECF NO. 66)

15 Marlon Blacher ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
16 in this civil rights action pursuant to 42 U.S.C. § 1983. On October 17, 2016, Plaintiff filed a
17 petition for reissuance of all details concerning initial disclosures/relief from any unintended
18 default. (ECF No. 66).

19 According to Plaintiff, on September 10, 2016, he was put in administrative
20 segregation. When being placed in administrative segregation, several correctional officers
21 packed Plaintiff's possessions into boxes, disrupting the order with in which Plaintiff's legal
22 documents were arranged. On or about October 3, 2016, Plaintiff was transferred to California
23 State Prison-Solano. Shortly after arriving, Plaintiff was forced, by means of duress and undue
24 influence, to discard many of the legal documents in his possession, including the Order
25 Requiring Initial Disclosures and Setting Mandatory Scheduling Conference.

26 The Court does not make any findings regarding Plaintiff's allegations. However,
27 because Plaintiff needs a copy of the Order Requiring Initial Disclosures and Setting
28 Mandatory Scheduling Conference (ECF No. 51), and because he apparently no longer has the

1 document in his possession, the Court will order that a copy be provided. However, the Court
2 will not issue a blanket order forgiving Plaintiff for all potential defaults. If after reviewing the
3 Order Requiring Initial Disclosures and Setting Mandatory Scheduling Conference Plaintiff
4 determines that he needs relief from a deadline that he missed, he can file a motion requesting
5 that relief. However, as the Court noted on the record at the scheduling conference on October
6 31, 2016, the Court will excuse Plaintiff's failure to file a scheduling conference statement.

7 ACCORDINGLY, it is ordered:

- 8 1. Plaintiff's request for a copy of the Order Requiring Initial Disclosures and Setting
9 Mandatory Scheduling Conference is GRANTED;
- 10 2. Plaintiff's request to be excused from all potential defaults is GRANTED with respect
11 to Plaintiff's failure to file a scheduling conference statement and DENIED as to any
12 other missed deadlines; and
- 13 3. The Clerk of Court is directed to send Plaintiff a copy of the Order Requiring Initial
14 Disclosures and Setting Mandatory Scheduling Conference (ECF No. 51).

15 IT IS SO ORDERED.
16

17 Dated: October 31, 2016

18 /s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28