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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL KLEIN,

12 Plaintiff,

13 vs.

14 DR. CONANAN,

15 Defendant.
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1:13-cv-00600-GSA-PC

ORDER GRANTING IN PART
PLAINTIFF'S REQUEST FOR RE-
SERVICE
(Doc. 34.)

ORDER DIRECTING CLERK TO RE-
SERVE PLAINTIFF WITH THE
COURT'S ORDER OF SEPTEMBER 3,
2014
(Doc. 25.)

21 **I. BACKGROUND**

22 Michael Klein ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
23 with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the initial
24 Complaint, filed by Plaintiff on April 25, 2013, against defendant Dr. Conanán ("Defendant")
25 for inadequate medical care in violation of the Eighth Amendment. (Doc. 1.)

26 The parties to this action have consented to the jurisdiction of the undersigned
27 Magistrate Judge pursuant to 28 U.S.C. § 636(c), to conduct all further proceedings in this case.
28 (Docs. 5, 15.)

1 On December 8, 2014, Plaintiff filed a request for the court to re-serve him three of his
2 case documents, Documents 25, 26, and 28. (Doc. 34.)

3 **II. DISCUSSION**

4 Document 25

5 Document 25 is the court's order issued on September 3, 2014, denying Defendant's
6 Rule 12(b) Motion to Dismiss. Plaintiff asserts that he did not receive a copy of this order.
7 The court's docket reflects two attempts by the court, on September 3, 2014 and September 10,
8 2014, to serve Plaintiff with a copy of this order at his address of record at Avenal State Prison,
9 P.O. Box 900, Avenal, CA 93204, with the order being returned to the court both times as
10 undeliverable. Plaintiff asserts that he knows no reason the mail would be undeliverable at that
11 address, and the court successfully served Plaintiff with subsequent court orders at the P.O.
12 Box 900 address. (Court Record.) Plaintiff has not notified the court of any change in his
13 address. Based on this record and Plaintiff's assertions, the court finds good cause to re-serve
14 Document 25 upon Plaintiff at his address of record. Therefore, Plaintiff request for re-service
15 of Document 25 is granted.

16 Document 26

17 There is no document associated with docket entry 26. Docket entry 26 is simply a
18 notice on the docket that the court's mail to Plaintiff [Document 25] was returned as
19 undeliverable on September 18, 2014. The reference on the docket to an abstract of judgment
20 was entered in error and has been removed from the docket entry. Therefore, Plaintiff's request
21 for re-service of document 26 is denied.

22 Document 28

23 Document 28 is the court's Discovery and Scheduling Order issued in this case on
24 October 8, 2014. Plaintiff asserts that he did not receive a copy of this order; however, Plaintiff
25 indicates in Document 35, filed subsequently on December 12, 2014, that he finally received a
26 copy of the order on December 7, 2014. Therefore, Plaintiff's request for re-service of
27 Document 28 is denied as moot.

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1 **III. CONCLUSION**

2 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that:

- 3 1. Plaintiff's request for copies, filed on December 8, 2014, is GRANTED in part;
4 and
5 2. The Clerk is DIRECTED to re-serve a copy of the court's September 3, 2014
6 Order Denying Defendant's Rule 12(b)(6) Motion to Dismiss upon Plaintiff at
7 his address of record (Document 25).

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9 IT IS SO ORDERED.

10 Dated: December 15, 2014

/s/ Gary S. Austin
11 UNITED STATES MAGISTRATE JUDGE
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