

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 MERRICK JOSE MOORE,

12 Plaintiff,

13 v.

14 GIPSON, et al,

15 Defendants.

Case No. 1:13-cv-01820-DAD-BAM (PC)

ORDER REGARDING NOVEMBER 3, 2017
AND NOVEMBER 13, 2017 STATUS
REPORTS

ORDER DIRECTING PARTIES TO FILE
FURTHER JOINT STATUS REPORT
WITHIN **THIRTY (30) DAYS**

16
17 Plaintiff Merrick Jose Moore ("Plaintiff") is a state prisoner proceeding pro se and in
18 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

19 On August 8, 2017, Defendants filed a motion to compel pursuant to Federal Rule of Civil
20 Procedure 37(a)(3)(B). (ECF No. 43.) On October 5, 2017, the Court issued an order directing
21 the parties to meet and confer regarding their discovery dispute, and to file a joint statement
22 following the parties' conference. The Court further stayed further briefing on Defendants'
23 motion to compel. (ECF No. 48.)

24 The parties' Joint Statement Regarding Meet-and-Confer Conference, filed on October 11,
25 2017, indicated that Plaintiff's legal property was currently misplaced due to Plaintiff's multiple
26 prison transfers. The parties therefore requested that the briefing schedule for Defendants'
27 motion to compel remain stayed. (ECF No. 49.) On October 12, 2017, the Court granted a
28 further stay of briefing on the motion to compel, and directed the parties to file a joint status

1 report within thirty days. (ECF No. 50.)

2 Currently before the Court are status reports filed by Plaintiff on November 3, 2017, and
3 by Defendants on November 13, 2017. (ECF Nos 51, 53.) Both indicate that Plaintiff has not yet
4 received his legal property. Additionally, Plaintiff was recently transferred from the California
5 Men's Colony to the R. J. Donovan Correctional Facility, and his property had been sent to
6 Plaintiff via overnight mail on November 9, 2017. (ECF No. 53, p. 2.) The parties again
7 provided no timeline for when Plaintiff will obtain his legal property, and defense counsel was
8 unable to confirm whether Plaintiff's transferred property included any of Plaintiff's missing
9 legal property. (Id.)

10 The Court finds that the parties have adequately established the need for the stay of
11 briefing on Defendants' motion to compel to continue, to allow Plaintiff to obtain his legal
12 property. The Court further finds that it will be beneficial to receive a joint status report from the
13 parties.

14 Accordingly, IT IS HEREBY ORDERED that the parties shall file a **joint** status report
15 within **THIRTY (30) days** of the date of service of this order. The parties shall address what
16 efforts have been made to locate and return Plaintiff's legal property, and what items, if any, are
17 missing and necessary for Plaintiff to respond to Defendants' discovery requests.

18
19 IT IS SO ORDERED.

20 Dated: November 15, 2017

21 /s/ Barbara A. McAuliffe
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28