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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

COSME PRESAS,

Plaintiff,

v.

KERN MEDICAL CENTER, et al.,

Defendants.

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Case No. 1:13-cv-02038-LJO-SKO (PC)

ORDER DENYING MOTION FOR LAW  
LIBRARY ACCESS

(Doc. 23)

Plaintiff Cosme Presas, a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 13, 2013. On December 22, 2014, Plaintiff filed a motion seeking an order granting him law library access.<sup>1</sup>

The Court lacks jurisdiction to issue an order requiring Kern County jail personnel to allow Plaintiff law library access. *See* 18 U.S.C. § 3626(a)(1)(A); *Summers v. Earth Island Institute*, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-61, 112 S.Ct. 2130 (1992); *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010). In addition, while prisoners have a constitutional right of access to the courts, *Lewis v. Casey*, 518 U.S. 343, 346, 116 S.Ct. 2174 (1996); *Silva v. Di Vittorio*, 658 F.3d 1090, 1101 (9th Cir. 2011); *Phillips v. Hust*, 588 F.3d 652, 655 (9th Cir. 2009), the pendency of an action does not entitle Plaintiff to any particular form of access, *Lewis*, 518 U.S. at 351. Rather, how jail staff elects to accommodate inmates' overarching constitutional right of access to the court rests in the first

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<sup>1</sup> At this stage in the proceedings, Plaintiff's amended complaint is pending statutory screening. 28 U.S.C. §1915A.

1 instance with staff. *Lewis*, 518 U.S. at 351; *Silva*, 658 F.3d at 1101-02; *Phillips*, 588 F.3d at 655-  
2 57.

3 Accordingly, the Court lacks the jurisdiction to issue the order sought by Plaintiff and his  
4 motion is HEREBY ORDERED DENIED.

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7 IT IS SO ORDERED.

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9 Dated: January 6, 2015

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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