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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMON ARCEO
Plaintiff,
v.
J. GONZALES, et al.,
Defendants.

CASE NO. 1:13-cv-2083-LJO-MJS (PC)
**ORDER DENYING PLAINTIFF'S MOTION
FOR COURT ORDER**
(ECF No. 24)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 4.) This action proceeds on Plaintiff's Eighth Amendment excessive force claim and California state law assault and battery claims against Defendants Receo, Souvannkaham, and Gonzales. (ECF No. 10.)

Before the Court is Plaintiff's September 17, 2014, motion for a court order allowing him to interview, write or call three inmates for the purpose of obtaining affidavits and the inmates' agreement to testify at trial. (ECF No. 24.) Defendants have not opposed the motion and the time for doing so has passed. The matter is deemed submitted. Local Rule 230(*l*).

California Code of Regulations title 15, § 3139 governs correspondence between inmates, parolees, and probationers. It provides in part:

1 Inmates shall obtain written authorization from the
2 Warden/Regional Parole Administrator or their
3 designee/assigned probation officer, person in charge of the
4 County Jail and/or other State Correctional Systems, at a
level not less than Correctional Captain/Facility Captain or
Parole Agent III, to correspond with any of the following:

5 (1) Inmates under the jurisdiction of any county, state
6 or federal, juvenile or adult correctional agency.

7 Plaintiff does not state whether he has sought written authorization from the
8 appropriate prison officials to correspond with other inmates. Since the Court cannot find
9 that Plaintiff has made a good faith effort to obtain the desired communications without
10 court action, it must deny his motion without prejudice.

11 If Plaintiff attempts to correspond with his potential witnesses by following the
12 proper procedures and is denied access or is otherwise unable to effectively
13 communicate with his witnesses, Plaintiff may renew his motion. However, Plaintiff will
14 need to describe his attempts to engage in the process described above and to explain
15 why the communication with each witness is relevant to this cause of action.

16 Based on the foregoing, Plaintiff's motion for a court order allowing him to
17 communicate with other inmates (ECF No. 24) is HEREBY DENIED.

18 IT IS SO ORDERED.

19 Dated: November 4, 2014

20 /s/ Michael J. Seng
21 UNITED STATES MAGISTRATE JUDGE
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