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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KENNETH R. HENRY,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

Case No. 1:14-cv-00791-LJO-SKO (PC)

**ORDER DISREGARDING
PLAINTIFF’S “MOTIONS TO
PROCEED” SINCE MOOT**

(Docs. 64, 67, 69, 72)

Plaintiff, Kenneth Henry, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 23, 2014. Plaintiff is proceeding on his claim for damages against Defendants Jolly, Contreras, and Ortega for use of excessive physical force, at California Correctional Institutional in Tehachapi (“CCI”).

On February 29, 2016, Plaintiff filed a document titled “Plaintiff Henry would like to filed (sic) this motion in asking the courts to please proceed in Plaintiff opposition summary judgment exhaustion or results.” (Doc. 64.) In this motion, Plaintiff delineates various circumstances to which he was subjected at Mule Creek State Prison, the Substance Abuse Treatment Facility, Corcoran State Prison, and at the R.J. Donovan State Prison. Plaintiff thanks the Court for sending him a response to his request for injunctive relief, indicates that he showed it to a state hospital employee, and expresses his opinion that it saved Plaintiff’s life. Despite the title of this document, Plaintiff does not request any relief, but simply expresses his gratitude to the Court. Plaintiff filed another document on March 2, 2016, which was effectively a duplicate of the February 29, 2016 motion. (Doc. 67.)

1 Plaintiff's gesture of gratitude in these filings, while polite, is unnecessary as the Court
2 must and will rule on all motions pursuant to the applicable law. Plaintiff requests no relief in
3 these filings. To the extent Plaintiff seeks to evoke a ruling on Defendants' motion for summary
4 judgment, it is moot since findings and recommendations thereon issued on September 2, 2016.

5 On June 17, 2016, Plaintiff also filed a motion indicating that his release from prison was
6 imminent and that he would then be able to report in person to court proceedings in Fresno,
7 California. (Doc. 69.) On June 20, 2016, Plaintiff filed a duplicate of this motion. (Doc. 72.)
8 Plaintiff does not request any relief in these motions, but simply appears to be notifying the Court
9 of his availability to make a personal appearance if needed. This is unnecessary and diverts the
10 Court's scarce judicial resources. As long as Plaintiff keeps his address in this action current, as is
11 his duty as a party in this action, he will receive notice of all proceedings in this action -- whether
12 his personal appearance is required or not. However, since no such events are presently
13 scheduled, Plaintiff's "motions" are disregarded.

14 Accordingly, it is HEREBY ORDERED that Plaintiff's motions, filed on February 29,
15 2016, (Doc. 64), on March 2, 2016 (Doc. 67), on June 17, 2016 (Doc. 69), and on June 20, 2016,
16 (Doc. 72) are DISREGARDED as moot.

17 IT IS SO ORDERED.

18 Dated: September 6, 2016

19 */s/ Sheila K. Oberto*
20 UNITED STATES MAGISTRATE JUDGE