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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PERRY C. BLAIR,  
  
                    Plaintiff,  
  
          v.  
  
CDCR, et al.,  
  
                    Defendants.

No.: 1:14-cv-01156-NONE-SAB (PC)

ORDER AFFORDING PLAINTIFF ADDITIONAL  
TIME TO FILE OBJECTIONS TO THE JANUARY  
29, 2020 FINDINGS AND RECOMMENDATIONS

(Doc. Nos. 130, 133)

**THIRTY DAY DEADLINE**

Plaintiff Perry C. Blair is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 29, 2020, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motion for summary judgment be granted. (Doc. No. 133.) Those findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within twenty-one (21) days. (*Id.*).

After receiving several extensions of time, plaintiff filed his objections on April 29, 2020. (Doc. No. 143.) In those objections, plaintiff asserts that it would be unfair for the court to grant defendants’ motion judge issued findings and recommendations recommending that defendants’ motion for because plaintiff has not had sufficient access to his legal materials or to the law library. (Doc. No. 143.) From the timeline plaintiff describes in his objections, he was allegedly transferred to different prisons several times from late 2018 through early 2020. (*See generally id.*) Plaintiff

1 assertions regarding lack of access to his legal materials span much of 2019 and early 2020, up  
2 through his transfer to his present institution of confinement in March 2020. (*Id.* at 2.) Plaintiff  
3 specifically asserts that as of late April 2020, he had yet to receive his legal materials. (*Id.*) In light of  
4 those objections, the court issued a minute order requiring defendants to file a statement “indicating  
5 whether they contend plaintiff has been provided with his legal materials and, if so, when.” (Doc. No.  
6 145.) In response, defendants explain in detail that as of May 29, 2020, plaintiff had been issued three  
7 boxes of legal materials (the maximum number of boxes he is permitted to possess in his cell), with  
8 two additional boxes stored elsewhere at the prison where plaintiff is currently incarcerated. (Doc.  
9 No. 146.) According to defendants, plaintiff is permitted to exchange “one-for-one” the boxes of legal  
10 materials he has in his cell with those in storage. (*Id.*) With regard to law library access, defendants  
11 indicate plaintiff has made no request for such access. (*Id.*) Plaintiff has presented no evidence to  
12 contradict or call into question defendants’ assertions as to the materials he now has been provided  
13 access to or regarding his failure to request law library access. Nonetheless, defendants’ response to  
14 the court’s order does not address whether plaintiff was provided access to his legal materials at the  
15 time his objections to the pending findings and recommendations were due.

16 Therefore, in an abundance of caution, plaintiff will be permitted thirty (30) days from the date  
17 of this order to file objections to the January 29, 2020 findings and recommendations. Further  
18 extensions of time to do so will not be granted absent a compelling showing of truly exceptional  
19 circumstances is made.

20 IT IS SO ORDERED.

21 Dated: July 9, 2020

22   
23 DALE A. DWYER  
24 UNITED STATES DISTRICT JUDGE  
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