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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**

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9 CHARLES W. WINDHAM,) 1:14-cv-01636-LJO-BAM (PC)
10 Plaintiff,)
11 v.) ORDER DENYING PLAINTIFF’S MOTION
12 M. MARIN, et al.,) FOR AN ORDER REQUIRING
13) DEFENDANTS’ COUNSEL TO RE-SERVE
14 Defendants.) DOCUMENTS, FOR A STAY OF
15) PROCEEDINGS, AND FOR AN
16) EXTENSION OF TIME TO RESPOND TO
) DEFENDANTS’ MOTION FOR SUMMARY
) JUDGMENT
) (ECF No. 52)
)
)

17 Plaintiff Charles W. Windham (“Plaintiff”) is a state prisoner proceeding pro se in this
18 civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth
19 Amendment claims of excessive force against Defendants M. Marin, D. Uribe, W. Rasley, J.
20 Contreras, A. Capano, R. Rubio, and Doe #1, and for deliberate indifference to serious medical
21 needs against Defendants C. Navarro, V. Morales, M. Marin, and S. Shiver.

22 Currently before the Court is Plaintiff’s motion for an order directing Defendants to re-
23 serve documents on him, and requesting a stay of proceedings, and an extension of time to file a
24 response to Defendants’ motion for summary judgment. (ECF No. 52). In his motion, Plaintiff
25 explains that Defendants sent him a double-sided copy of their motion for summary judgment
26 dated September 2, 2015, and supporting documents. He states that he prefers a single-sided
27 copy because the prison staff opened and mixed-up his legal mail, and the double-sided copies
28 are confusing to sort through and re-organize. (*Id.* at 2.) As a result, he asks the Court to direct

1 Defendants' counsel to send him a single-sided copy of the motion for summary judgment and
2 supporting documents. Plaintiff also requests a stay of proceedings until he is re-served with
3 those documents, and an extension of time to respond to the motion for summary judgment
4 pending his receipt of the re-served documents. (Id. at 3.)

5 At this time, the Court does not find it appropriate to order Defendant to re-serve a
6 duplicate, but single-sided, copy of its filings on Plaintiff. Although he has had to spend some
7 time re-organizing them, he confirms that he has received Defendants' filings. To the extent
8 Defendants are able to send single-sided documents to Plaintiff in the future, they are encouraged
9 to do so, but the Court will not require it absent a showing that doing so is necessary. Plaintiff
10 has not shown such a need at this time. As a result, the Court will also not grant Plaintiff's
11 request for a stay in the proceedings or extension of time to respond that was contingent on
12 Plaintiff's request to be re-served with the Defendants' filings.

13 Accordingly, IT IS HEREBY ORDERED that:

14 Plaintiff's motion for an order requiring Defendants' counsel to re-serve filings, and
15 requesting a stay and extension of time to respond to Defendants' motion for summary judgment,
16 is denied.

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18 IT IS SO ORDERED.

19 Dated: September 17, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE