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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VANCE UTLEY,  
Plaintiff,  
v.  
C.O. ACEVEDO, C.O. WIMER, and C.O.  
LOPEZ,  
Defendants.

No. 1:15-cv-01086-DAD-SAB

ORDER DENYING PLAINTIFF'S REQUEST  
FOR AN ORDER WITHOUT PREJUDICE

(Doc No. 34)

Plaintiff is a prisoner proceeding in this action under 42 U.S.C. § 1983 and in forma pauperis pursuant to 28 U.S.C. § 1915.

On May 23, 2016, counsel for plaintiff filed a request seeking a court order requiring the warden at Salinas Valley State Prison ("SVSP") to permit counsel to bring a laptop computer into SVSP to access electronic records during a contact meeting at SVSP between counsel and his client. (ECF No. 34.) Therein, plaintiffs' also requested that the meeting be scheduled in a room with electrical power for counsel's laptop computer. (Doc No. 34.) Counsel indicated that he is meeting with plaintiff on May 26, 2016, at SVSP to review records and prepare for trial. Plaintiff's counsel also represents that he will be at SVSP on June 14, 2016, to represent plaintiff at his deposition. Counsel asserts that he emailed his request to bring his laptop computer into SVSP for his interview with plaintiff to the SVSP litigation coordinator, but the request was

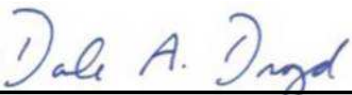
1 denied. The denial simply stated that plaintiff's counsel could print out all the records that he  
2 needs to bring. (Doc No. 34-1 at 4.) Plaintiff argues that there was no explanation for the denial  
3 of the request and that he has been allowed to bring his laptop into other California prisons under  
4 similar circumstances. Plaintiff also argues that the cost of printing all of the records in this case  
5 is prohibitive and that all of the records are available on plaintiff's counsel's laptop computer.

6 The short time between the filing of counsel's request and the scheduled May 26, 2016,  
7 meeting is insufficient to allow the court to address the request on the merits. The court has not  
8 been able to determine defendant's position with respect to the request. Nor has the court had  
9 time to make inquiry to determine whether there is any legitimate reason for the litigation  
10 coordinator's denial of counsel's request. At first blush, there would appear to be none. Of  
11 course, for many years federal courts have employed an electronic case filing system under which  
12 paper files have been eliminated. The court is also aware of an expanding pilot program under  
13 which civil rights complaints filed by California prisoners in federal court are submitted  
14 electronically as well. It would appear likely that at plaintiff's deposition in this case, the court  
15 reporter will be allowed to enter the prison with electronic equipment. There may well be many  
16 more examples of computers being allowed inside of California prisons depending on the  
17 circumstances. However, the record here has not been adequately developed nor has counsel  
18 adequately established the necessity of having his laptop computer available to him tomorrow  
19 during his meeting in order to adequately represent his client.

20 Accordingly, plaintiff's request for the court to order the warden at Salinas Valley State  
21 Prison to permit plaintiff's attorney to bring a laptop computer into Salinas Valley State Prison to  
22 access electronic records during his May 26, 2016 meeting with plaintiff and to allow that  
23 meeting to take place in a room that provides electrical power to the computer is denied without  
24 prejudice to the bringing of a fully supported motion sufficiently in advance of any future  
25 scheduled meeting or other proceeding inside of SVSP.

26 IT IS SO ORDERED.

27 Dated: May 25, 2016

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UNITED STATES DISTRICT JUDGE