1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 VANCE UTLEY, No. 1:15-cv-01086-DAD-SAB 12 Plaintiff. 13 v. ORDER DENYING PLAINTIFF'S REQUEST FOR AN ORDER WITHOUT PREJ 14 C.O. ACEVEDO, C.O. WIMER, and C.O. LOPEZ. (Doc No. 34) 15 Defendants. 16 17 Plaintiff is a prisoner proceeding in this action under 42 U.S.C. § 1983 and in forma 18 19 pauperis pursuant to 28 U.S.C. § 1915. 20 On May 23, 2016, counsel for plaintiff filed a request seeking a court order requiring the 21 warden at Salinas Valley State Prison ("SVSP") to permit counsel to bring a laptop computer into 22 SVSP to access electronic records during a contact meeting at SVSP between counsel and his 23 client. (ECF No. 34.) Therein, plaintiffs' also requested that the meeting be scheduled in a room 24 with electrical power for counsel's laptop computer. (Doc No. 34.) Counsel indicated that he is 25 meeting with plaintiff on May 26, 2016, at SVSP to review records and prepare for trial. 26 Plaintiff's counsel also represents that he will be at SVSP on June 14, 2016, to represent plaintiff 27 at his deposition. Counsel asserts that he emailed his request to bring his laptop computer into 28 SVSP for his interview with plaintiff to the SVSP litigation coordinator, but the request was

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

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

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

IT IS SO ORDERED.

Dated: **May 25, 2016**

JNITED STATES DISTRICT JUDGE