

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
4

5 MANUEL ANTONIO GONZALEZ,

6 Plaintiff,

7 v.

8 J. RAZO, et al.,

9 Defendants.

1:15-cv-01098-DAD-EPG (PC)

10 REQUEST FOR THE WARDEN OF
11 R.J. DONOVAN CORRECTIONAL
12 FACILITY TO CONFIRM THAT
13 PLAINTIFF IS RECEIVING MAIL
14 AND HAS ACCESS TO THE COURTS
15 AND HIS COUNSEL

16 ORDER DIRECTING CLERK TO
17 SEND A COPY OF THIS ORDER TO
18 DEPUTY ATTORNEY GENERAL
19 MONICA ANDERSON AND THE
20 WARDEN OF R.J. DONOVAN
21 CORRECTIONAL FACILITY

22 Manuel Antonio Gonzalez (“Plaintiff”) is a state prisoner (prison number T42888), and
23 is the plaintiff in this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes
24 attendant state law claims.

25 On March 29, 2017, the Court held a telephonic status conference. Plaintiff and
26 Plaintiff’s counsel were directed to appear. (ECF No. 45). Plaintiff was served with a copy of
27 the order directing him to appear on March 14, 2017. The order was addressed to Manuel
28 Antonio Gonzalez, T-42888, at R.J. DONOVAN CORRECTIONAL FACILITY (480), 480
Alta Road, San Diego, CA 92179. Plaintiff did not appear as ordered.¹

Furthermore, at the hearing, Plaintiff’s counsel stated that he was having difficulties
communicating with his client. He indicated he was not receiving responses to his mail to
Plaintiff, and that he could not communicate directly with Plaintiff. Plaintiff’s counsel
requested a Court order requiring weekly telephonic conferences or other form of regular
access to Plaintiff. The Court invited Plaintiff’s counsel to file a formal request for the same,

¹ Plaintiff’s counsel did appear, as discussed below. But as the issue before the Court concerned Plaintiff’s filing without coordination with counsel, his counsel’s appearance did not excuse Plaintiff’s own.

1 which the Court would consider in due course.

2 Given these issues, and the fact that Plaintiff did not appear at the conference despite
3 the Court's order that he do so, the Court will request that the Warden of R.J. Donovan
4 Correctional Facility file a response, confirming that Plaintiff is receiving his legal mail and has
5 access to his counsel and the Court. If Plaintiff is receiving his legal mail, the Warden should
6 also explain why Plaintiff was not present at the conference.

7 Accordingly, based on the foregoing, the Court requests that, within twenty-one (21)
8 days from the date of service of this order, the Warden of R.J. Donovan Correctional Facility
9 file a response, confirming that Plaintiff is receiving his legal mail and has access to his counsel
10 and the Court. If Plaintiff is receiving his legal mail, the Warden should also explain why
11 Plaintiff was not present at the conference.

12 Additionally, IT IS ORDERED that the Clerk of Court is directed to serve Supervising
13 Deputy Attorney General Monica Anderson and the Warden of R.J. Donovan Correctional
14 Facility with a copy of this order.

15 IT IS SO ORDERED.

16 Dated: March 29, 2017

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE