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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
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6 MANUEL ANTONIO GONZALEZ,

7 Plaintiff,

8 v.

9 J. RAZO, et al.,

10 Defendants.
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1:15-cv-01098-DAD-EPG (PC)

ORDER VACATING HEARING AND
GRANTING IN PART MOTION FOR
FACILITATED CONFIDENTIAL
ATTORNEY/CLIENT PHONE CALLS
(ECF NO. 70)

ORDER TO FACILITATE TELEPHONE
CALL

13 Manuel Antonio Gonzalez (“Plaintiff”) is a state prisoner, and is the plaintiff in this
14 civil rights action filed pursuant to 42 U.S.C. § 1983, which includes attendant state law claims.
15 Plaintiff is represented by attorney Stanley Goff.

16 On June 21, 2017, Plaintiff’s counsel filed a motion for facilitated confidential
17 attorney/client phone calls (“the Motion”), which he noticed for hearing on July 21, 2017, at
18 10:00 a.m. (ECF No. 70). Plaintiff’s counsel asks that the Court grant him (as needed)
19 confidential attorney/client phone calls between him and his client so that Plaintiff can
20 diligently prosecute this case.

21 Because this motion does not affect Defendants, the Court will treat the motion as an *ex*
22 *parte* motion, and vacate the hearing.

23 The Court will grant the Motion in part. Communication between Plaintiff’s counsel
24 and his client, Manuel Gonzalez, is required in order for Plaintiff and his attorney to prosecute
25 this case.¹ Accordingly, the Court will allow for a confidential telephone call between Plaintiff
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28 ¹ The Court notes that Plaintiff has had trouble getting into contact with his attorney in regards to
this case. (See, e.g., ECF No. 66). While it is not clear why Plaintiff has had this trouble, it seems that this is not
the first time one of Mr. Goff’s clients has had trouble getting in contact with Mr. Goff. In a previous case, Mr.

1 and his attorney. However, the Court will not grant blanket authority for confidential
2 attorney/client telephone calls, which may not be needed and can hopefully be handled in the
3 normal course through coordination with the prison.

4 In the future, if Plaintiff's counsel requires a confidential telephone call with his client
5 and the prison is not permitting that request, he should file an *ex parte* application seeking that
6 relief and state the efforts made to coordinate the call through the prison.

7 By this order, the Court directs the Warden and the correctional staff at Richard J.
8 Donovan Correctional Facility to facilitate a confidential telephone call between attorney
9 Stanley Goff and his client, inmate Manuel Gonzalez (T-42888) as follows.

10 In accordance with the above, IT IS ORDERED THAT:

- 11 1. The Motion is GRANTED IN PART;
- 12 2. The Warden, Litigation Coordinator, and other correctional staff as needed at
13 Richard J. Donovan Correctional Facility shall facilitate a confidential telephone
14 call between Manuel Gonzalez and attorney Stanley Goff;
- 15 3. The confidential telephone call shall be placed on **Thursday, June 29**, to begin
16 at **3:00 p.m.**, and shall continue, without interruption, for a maximum of sixty
17 (60) minutes or until completed, whichever is earlier. Correctional staff shall
18 initiate the telephone call by calling attorney Goff at **(415)-571-9570**;
- 19 4. The telephone conversation shall be a confidential communication between
20 attorney Goff and his client and conducted so as not to be overheard by
21 correctional staff or others. Correctional staff, however, may keep inmate
22 Gonzalez under visual surveillance during the telephone conversation;
- 23 5. Failure to comply with this order may result in the imposition of sanctions; and

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28 Goff was directed by the court to communicate with his client. (Cardoza v. Tann, Case No. 1:11-cv-01386,
Eastern District of California, ECF Nos. 94 & 95)

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6. The Clerk of Court is directed to serve this order by facsimile ((619)-671-7566) and email on both the Warden and the Litigation Coordinator at Richard J. Donovan Correctional Facility.

IT IS SO ORDERED.

Dated: June 23, 2017

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE