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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELAINE K. VILLAREAL,
Plaintiff,
v.
COUNTY OF FRESNO,
Defendant.

Case No. 1:15-cv-01410-EPG (PC)

ORDER REQUIRING DEFENDANT TO
RESPOND TO PLAINTIFF'S ALLEGATIONS
THAT HER DOCUMENTS WENT MISSING
AFTER AN INSPECTION

(ECF NO. 62)

Elaine K. Villareal ("Plaintiff") is a prisoner proceeding *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

An Albino evidentiary hearing is set for November 14, 2017, at 10:30 a.m. (ECF No. 48). On November 7, 2017, Plaintiff filed her witness list. (ECF No. 62). Included with the witness list was the declaration of Plaintiff's limited purpose counsel, Jeff Price.¹ Accord to Mr. Price, Plaintiff informed him that her legal documents were rifled through during an inspection on November 4, 2017, and that several of her important original documents were missing, preventing her from bringing relevant evidence to the hearing.

These are extremely serious allegations that threaten the integrity of the evidentiary

¹ Mr. Price was appointed for the limited purpose of representing Plaintiff at the evidentiary hearing. (ECF No. 47).

1 hearing.²

2 Accordingly, IT IS ORDERED that:

- 3 1. On or before November 13, 2017, at 3:00 p.m., Defendant shall file a response to
4 Plaintiff's allegations regarding the inspection that took place on November 4,
5 2017;
- 6 2. If in investigating this issue Defendant finds that Plaintiff's documents were taken
7 in error, the documents shall be returned to Plaintiff in advance of the hearing;
- 8 3. To the extent this issue is not resolved prior to the hearing, the Court will take
9 evidence regarding the alleged incident on November 4, 2017, at the upcoming
10 evidentiary hearing. The parties may file amended witnesses lists on or before
11 November 13, 2017, at 3:00 p.m.; and
- 12 4. The Court will consider requests for presentation of additional evidence or
13 sanctions after hearing all relevant evidence at the scheduled hearing.

14 IT IS SO ORDERED.

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16 Dated: November 8, 2017

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ² The Court also notes that Plaintiff previously alleged retaliation by Defendant's employees (see ECF Nos. 48 & 55).