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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN E. MITCHELL,
Plaintiff,
v.
WARDEN D. DAVEY, et al.,
Defendants.

1:16-cv-01148-EPG (PC)
ORDER FOR OFFICE OF THE ATTORNEY
GENERAL TO ADDRESS PLAINTIFF'S
MOTION FOR AN INTERLOCUTORY
ORDER UNDER THE ALL WRITS ACT
(ECF NO. 8)
14-DAY DEADLINE

John Mitchell ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on August 5, 2016. (ECF No. 1). The Complaint has not yet been screened, and at this time the Court is not making a determination regarding whether the claim(s) are meritorious. Plaintiff has consented to magistrate judge jurisdiction (ECF No. 7), and no other parties have appeared.

On October 7, 2016, Plaintiff filed a motion for an interlocutory order under the All Writs Act ("the Motion"). (ECF No. 8). The Court construes the Motion as a motion for injunctive relief.

According to the Motion, Plaintiff's legal property is being held by officials at California

1 State Prison, Corcoran. Included in Plaintiff's legal property are documents pertinent to this case.
2 Correctional officers Alvarez, Vargas, and Huewe have all allegedly threatened to destroy
3 Plaintiff's legal property, which would interfere with Plaintiff's ability to prosecute this case.
4 Therefore, Plaintiff requests that the Court order that Plaintiff's legal property be re-inventoried
5 while Plaintiff is present and a copy of that inventory sheet be given to Plaintiff to keep in his
6 possession. Additionally, Plaintiff requests that the Court order that his legal property stay with
7 him when he is transferred (Plaintiff is apparently being transferred to a new prison, but he does
8 not state where or when), and that Plaintiff's legal property be issued to him immediately upon
9 his arrival at the prison he is being transferred to.

10 Given the allegations that several correctional officers have threatened to destroy evidence
11 relevant to this case, IT IS HEREBY ORDERED that:

- 12 1. Within fourteen (14) days from the date of service of this order, the Office of the
13 Attorney General shall address the allegations in Plaintiff's Motion, as well as
14 his requested relief; and
- 15 2. The Clerk of the Court is directed to serve Supervising Deputy Attorney General
16 Monica Anderson with:
 - 17 a. A copy of this order; and
 - 18 b. A copy of the Motion (ECF No. 8).

19 IT IS SO ORDERED.

20 Dated: October 13, 2016

21 /s/ Eric P. Gray
22 UNITED STATES MAGISTRATE JUDGE
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