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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 SHANNON RILEY,

10 Plaintiff,

11 v.

12 TALLERICO and YERRY,

13 Defendants.  
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Case No. 1:16-cv-01189-AWI-EPG (PC)

ORDER GRANTING IN PART  
PLAINTIFF'S MOTION FOR  
CONFIDENTIAL TELEPHONE CALLS

(ECF NO. 61)

ORDER DIRECTING CLERK TO SERVE A  
COPY OF THIS ORDER ON THE  
WARDEN AND LITIGATION  
COORDINATOR AT R.J. DONOVAN  
CORRECTIONAL FACILITY

17 Shannon Riley ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
18 in this civil rights action filed pursuant to 42 U.S.C. § 1983.

19 On February 7, 2018, Plaintiff's filed a motion for confidential telephone calls. (ECF  
20 No. 61). Plaintiff alleges that he is worried that he will suffer from retaliation if his telephonic  
21 court appearances are not confidential.

22 Because of potential security concerns with Plaintiff's request, the Court invited the R.J.  
23 Donovan Correctional Facility to file a response to Plaintiff's motion. (ECF No. 63). No  
24 response was filed.

25 While this Court's hearings are not confidential, given Plaintiff's alleged concerns, as  
26 well as the lack of response regarding potential security concerns, the Court will grant  
27 Plaintiff's motion in part. The Court will direct the Warden and Litigation Coordinator at R.J.  
28 Donovan to facilitate a confidential call for Plaintiff's appearance at the Telephonic Discovery

1 and Status Conference, which is currently set for August 20, 2018, at 3:00 p.m..

2 However, the Court will not order that all of Plaintiff's telephonic appearances be  
3 confidential. Plaintiff only has one other telephonic appearance scheduled (the Telephonic  
4 Trial Confirmation Hearing). The Telephonic Trial Confirmation Hearing is scheduled to take  
5 place on November 14, 2019. The Court will not order R.J. Donovan to facilitate a confidential  
6 telephone call for a hearing that will not take place for about a year and a half, which may or  
7 may not concern sensitive information.

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

- 9 1. Plaintiff's motion for confidential telephone calls is granted in part;
- 10 2. The Warden, Litigation Coordinator, and other correctional staff as needed at  
11 R.J. Donovan Correctional Facility shall facilitate Plaintiff's appearance at the  
12 Discovery and Status Conference via a confidential telephone call;
- 13 3. The confidential telephone call shall be placed on **August 20, 2018, at 3:00 p.m.**  
14 Correctional staff shall initiate the telephone call by calling the toll-free number  
15 (888) 251-2909 and using Access Code 1024453;
- 16 4. Correctional staff may keep Plaintiff under visual surveillance during the  
17 telephone conversation;
- 18 5. Failure to comply with this order may result in the imposition of sanctions; and
- 19 6. The Clerk of Court is directed to serve this order on the Warden and the  
20 Litigation Coordinator at R.J. Donovan Correctional Facility.

21 IT IS SO ORDERED.

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23 Dated: April 20, 2018

24 /s/ Eric P. Gray  
25 UNITED STATES MAGISTRATE JUDGE  
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