



1 treat Plaintiff's motion as a motion for sanctions.

2 Plaintiff's motion for sanctions will be denied. While Plaintiff alleges that "Defendants"  
3 (who have not yet been served) will not return his legal property," Plaintiff has not alleged any  
4 specific action by any of the defendants in this case. Even if Plaintiff's non-conclusory factual  
5 allegations are true, the Court is unable to determine that any of the defendants in this case are  
6 directly or indirectly responsible for the failure to timely return Plaintiff's legal materials.

7 Moreover, it appears that Department of State Hospitals – Coalinga is actively attempting  
8 to return Plaintiff's legal materials to him. According to the declaration of Kenneth Bell, who is  
9 employed as a Hospital Police Lieutenant with the Department of State Hospitals – Coalinga, an  
10 officer met with Plaintiff and asked which devices contained his legal work. (ECF No. 36, pgs. 4  
11 & 5, ¶¶ 1 & 4). Plaintiff reported that he had two white flash drives, both with his name on them.  
12 (Id. at p. 5, ¶ 4). Plaintiff voluntarily turned in one flash drive, while another was in the  
13 possession of patient Peter Tolles, who was helping Plaintiff with his legal work. (Id.). The  
14 officers searched but did not find a white flash drive in Plaintiff's property. (Id. at ¶ 5). They  
15 found a white flash drive in Tolles' property, but it did not have Plaintiff's name on it. (Id.).  
16 Accordingly, the officers needed Tolles to confirm that the flash drive was Plaintiff's, and to sign  
17 a waiver permitting a scan of the flash drive (both of which Tolles has now done). (Id. at ¶¶ 5-6).  
18 An appointment was scheduled for June 14, 2018, for the transfer of Plaintiff's information from  
19 Tolles' flash drive to Plaintiff's state-issued thumb drive. (Id. at ¶ 6).

20 Given that it appears that Defendants are not responsible for a failure to return Plaintiff's  
21 legal property, and that Department of State Hospitals – Coalinga is actively attempting to return  
22 Plaintiff's legal property, IT IS ORDERED that Plaintiff's motion for sanctions is DENIED  
23 without prejudice.

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If the Department of State Hospitals—Coalinga fails to make Plaintiff’s legal property available at the end of this process, Plaintiff may renew his motion for sanctions.

IT IS SO ORDERED.

Dated: June 18, 2018

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE