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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 MARIO AMADOR GONZALEZ,

11 Plaintiff,

12 v.

13 DR. SCHARFFENBERG and R.N. S.
14 SOTO,

15 Defendants.
16

Case No. 1:16-cv-01675-DAD-EPG (PC)

ORDER DENYING PLAINTIFF'S
MOTION FOR ORDER DIRECTING
CSP SACRAMENTO TO GIVE
PLAINTIFF HIS PROPERTY

(ECF NO. 141)

ORDER DIRECTING CLERK TO
SEND A COPY OF THIS ORDER TO
THE LITIGATION COORDINATOR
AT CSP SACRAMENTO

17 Mario Gonzalez ("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 September 12, 2018, Plaintiff filed a motion for an order directing California State
20 Prison, Sacramento ("CSP Sacramento") to give him his property. (ECF No. 141). According
21 to Plaintiff, he was transferred to CSP Sacramento on September 1, 2018. On September 6,
22 2018, he asked C.O. Rutledge if he could speak with a sergeant so that he could get his legal
23 property. C.O. Rutledge responded "you got nothing coming you fat fag[.] You got a lawsuit
24 against us." He also called Plaintiff a "piece of shit" and denied Plaintiff an opportunity to
25 speak with a sergeant.

26 Given that Plaintiff alleged he was being denied access to his legal property, and that he
27 has an upcoming deadline to respond to Defendants' motion for summary judgment (ECF No.
28 140), the Court required the Warden of CSP Sacramento to file a response.

1 On September 26, 2018, the Warden, through T. Kraemer (the litigation coordinator at
2 CSP-Sacramento), filed his response. According to T. Kraemer, a property officer has met with
3 Plaintiff, and Plaintiff confirmed that he now has possession of all his legal material for this
4 case.

5 In light of the Warden's response, the Court will deny Plaintiff's motion as moot. If
6 this issue arises again (or if Plaintiff was not given access to all his legal property related to this
7 case), Plaintiff may file an appropriate motion with the Court.

8 Accordingly, based on the foregoing, IT IS ORDERED that:

- 9 1. Plaintiff's motion for an order directing CSP Sacramento to give him his
10 property is DENIED as moot; and
- 11 2. The Clerk of Court is directed to serve the Litigation Coordinator at CSP
12 Sacramento with a copy of this order.

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14 IT IS SO ORDERED.

15 Dated: September 27, 2018

16 /s/ Eric P. Grogan
17 UNITED STATES MAGISTRATE JUDGE
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