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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES ROBERT BRISCOE, III,

Plaintiff,

v.

RICHARD MADRID, et al.,

Defendants.

/

Case No. 1:17-cv-0716-DAD-SKO

**ORDER REGARDING PLAINTIFF’S
FOURTH REQUEST TO EXTEND TIME
TO FILE AMENDED COMPLAINT, AND
DIRECTING APPEARANCE BY
SUPERVISING DEPUTY ATTORNEY
GENERAL**

(Doc. 28)

Plaintiff is an inmate at the California Health Care Facility in Stockton, California (the “Facility”) proceeding *pro se* in a civil rights action pursuant to 42 U.S.C. § 1983 (“Section 1983”).

On July 13, 2018, Plaintiff filed his fourth request for an extension of time to file a third amended complaint that states a cognizable claim under Section 1983. (Doc. 28.) Plaintiff requests an additional extension of 80 days in which to file his amended complaint on the grounds that he is on lockdown in the administrative segregation unit at the Facility and “prison staff confiscated all of his personal property inclusive of legal materials and effects relevant to filing” his amended complaint. (*Id.*) Plaintiff states that he does not have physical access to the legal research law library while in the administrative segregation unit and he does not anticipate having access to the law library for at least 60 days. (*Id.*) Plaintiff signed his request under penalty of perjury. (*Id.*)

Plaintiff’s current deadline to file an amended complaint is August 6, 2018. (*See* Doc. 25.) The Court has granted Plaintiff three previous enlargements of time, which collectively extended Plaintiff’s deadline to file an amended complaint by 180 days. (*See* Docs. 17 (60 days), 21 (30

1 days), 25 (90 days).) If the Court grants Plaintiff's fourth request for an extension, his deadline to
2 file an amended complaint will have been extended by nearly eight months in total.

3 In as much as this case has not yet been opened and thus, no defendants have appeared, the
4 Court hereby requests the Supervising Deputy Attorney General in charge of the correctional law
5 section, Monica Anderson, Esq., to address *and* confirm Plaintiff's allegations that he is on
6 lockdown with no access to the legal research library at the Facility and had all his personal
7 property confiscated by Facility staff. After a response is submitted, the Court will review any
8 documentation and issue a corresponding order.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The Clerk of Court is directed to serve a copy of Plaintiff's motion for a fourth extension of
11 time to file a third amended complaint (Doc. 28) and a copy of this order on Supervising
12 Deputy Attorney General, Monica Anderson; and
- 13 2. Supervising Deputy Attorney General Anderson shall contact the litigation coordinator at
14 the Facility and file a response to Plaintiff's motion, supported by the appropriate evidence,
15 that apprises the Court as to the veracity of Plaintiff's allegations, within fourteen (14) days
16 from the date of service of this order.

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18 IT IS SO ORDERED.

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20 Dated: July 18, 2018

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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