

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN ALLEN RAINWATER,

Plaintiff,

v.

PAM AHLIN, et al.,

Defendants.

CASE NO. 1:18-cv-00049-MJS (PC)

**NOTICE OF HEARING**

(ECF No. 5)

**ORDER DIRECTING CLERK TO SEND  
COPIES OF THIS ORDER TO  
DEFENDANTS AHLIN AND PRICE AND  
THEIR COUNSEL**

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. His complaint alleges constitutional violations arising from the prohibition and potential confiscation and destruction of certain electronic devices, including digital storage devices identified in recent emergency amendments to Cal. Code Regs. tit. 9, § 4350 (hereinafter Regulation 4350).

Plaintiff has requested interim injunctive relief (“TRO”) against implementation of portions of Regulation 4350. (ECF No. 5). In response, the Court invited not-yet-served Defendants to respond to Plaintiff's request for such relief. (ECF No. 11.) Defendants did so. (ECF No. 12.) The Court found Defendants’ response enlightening, but it also raised

1 additional questions the Court would like answered before it proceeds in this case (one  
2 of several virtually identical cases).

3 Accordingly, the Court will conduct an evidentiary beginning at 9:00 AM, March  
4 22, 2018, in Courtroom 6, 2500 Tulare Street, Fresno, and continuing until concluded.

5 The hearing will be limited to the following issues:

- 6 1) With regard to the plans by the California Department of State Hospitals  
7 (DSH) to maintain and provide detainee access to stored legal files (as  
8 described in Defendants' Opposition to Plaintiff's Motion for a Temporary  
9 Restraining Order (ECF No. 12 at 14 & 15), and in the Declaration of  
10 Brandon Price in support of that Opposition (ECF No. 12-2, paras. 16 –  
11 19), how and when will files proposed for storage be scanned, transferred  
12 to a state device, and made accessible to detainees under supervision and  
13 what procedures will detainees have to gain such access under  
14 supervision?
- 15 2) What is the basis for DSH's determination that it is appropriate for  
16 a detainee to maintain in his cell thirty legally purchased commercial  
17 CDs and DVDs, but no more than that?
- 18 3) What electronic gaming devices, if any, are allowed to be  
19 kept by a detainee and how did DSH determine which electronic  
20 games may be allowed and which may not?

21 Named Defendants and their representatives and others Defendants believe may  
22 be most knowledgeable on the above issues are invited to attend and present evidence.  
23 Plaintiff will be produced for the hearing.

24 The Clerk of Court is directed to mail a copy of this order to the following  
25 addresses:

26 Pam Ahlin  
27 Department of Mental Health  
28 Room 151  
1600 9<sup>th</sup> Street

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Sacramento, CA 95814

and

Brandon Price, Director  
Department of State Hospitals – Coalinga  
24511 West Jayne Avenue  
P.O. Box 5000  
Coalinga, CA 03210-5000

and

Lisa Anne Tilman  
Office of the Attorney General, State of California  
Suite 125  
1300 "I" Street  
Sacramento, CA 94244-2550

IT IS SO ORDERED.

Dated: March 6, 2018

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE