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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD SCOTT KINDRED,
Plaintiff,
v.
BRANDON PRICE, et al.,
Defendants.

Case No. 1:18-cv-00554-DAD-EPG (PC)

**ORDER REGARDING PLAINTIFF'S
REPLY IN SUPPORT OF MOTION TO
DENY SUMMARY JUDGMENT OR
ALLOW TIME TO OBTAIN
DECLARATIONS AND FURTHER
DISCOVERY**

(ECF No. 70)

Plaintiff Richard Scott Kindred ("Plaintiff"), a civil detainee at the Coalinga State Hospital, is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 18, 2020, Plaintiff filed a motion pursuant to Federal Rule of Civil Procedure 56(d) requesting that the Court deny the pending motion for summary judgment filed by Defendants B. Price, J. Corona, and Jose Lopez ("Defendants") or grant Plaintiff an extension of time to obtain declarations of material witnesses and to conduct discovery. (ECF No. 67.) Plaintiff explained that his unit had been quarantined and he has no access to the law library. (*Id.*) Additionally, Plaintiff requested hard copies of photographs of his property in Evidence Locker 002 and the residential address of Isaac Bonsu, the Unit Supervisor of the unit

1 where Plaintiff resided at the time of the search at issue in this case. (*Id.*) Defendants filed an
2 opposition to the motion on December 30, 2020. (ECF No. 68.)

3 On January 8, 2021, the Court entered an order granting Plaintiff's motion in part and
4 denying it in part. (ECF No. 69.) Specifically, the Court extended the deadline for Plaintiff to
5 file an opposition to Defendants' motion for summary judgment to February 26, 2021, directed
6 Defendants to provide Plaintiff with hard copies of the photographs of Plaintiff's property in
7 Evidence Locker 002, and denied the remainder of the motion. (*Id.*)

8 On January 13, 2021, Plaintiff filed a reply in support of the motion. (ECF. No. 70.)
9 Plaintiff's reply is dated January 8, 2021 and therefore appears to have been mailed before
10 Plaintiff received the Court's order entered on January 8, 2021. (*See id.*) In the reply, Plaintiff
11 explains that his unit is currently quarantined due to COVID-19 exposure and has been
12 quarantined on numerous other occasions. (*Id.*) California Department of State Hospitals—
13 Coalinga has diverted law library staff to work in quarantined areas and the law library is not
14 able or is unwilling to help Plaintiff obtain copies of legal research and case law. (*Id.*)
15 According to Plaintiff, law library staff have told the staff in Plaintiff's unit that they are only
16 able to print out ten pages of cases due to a contract with their service provider, but Plaintiff
17 called the service provider and confirmed that the ten-page limit is for research material such as
18 law books. (*Id.*) It took three weeks for Plaintiff to obtain six cases, and even then he did not
19 receive copies of the entire case and instead only received three or four pages. (*Id.*)

20 Plaintiff also reiterates his request for hard copies of photographs of his property in
21 Evidence Locker 002 as well as the residential address of Isaac Bonsu. (ECF No. 70.) Plaintiff
22 argues that Defendants have waived any privilege objections by failing to file a privilege log as
23 required by the Scheduling Order in this case. (*Id.*) Plaintiff requests that the Court either deny
24 Defendants' motion for summary judgment or grant Plaintiff an extension of time to file an
25 opposition, and further requests that the Court issue an order directing the California
26 Department of State Hospitals—Coalinga to provide Plaintiff with direct access to the law
27 library or copies of his requested cases and legal research within five (5) days of submitting a
28 request. (*Id.*)

1 The Court has reviewed and considered Plaintiff’s reply and notes that Plaintiff’s
2 requests for hard copy photographs and for an extension of time to file an opposition to
3 Defendants’ motion for summary judgment have been granted. However, the reply does not
4 change the Court’s analysis regarding the remainder of the motion. Specifically, it is not clear
5 how obtaining Mr. Bonsu’s address would lead to the discovery of any information that is
6 essential to opposing Defendants’ motion for summary judgment as required by Federal Rule
7 of Civil Procedure 56(d).

8 With respect to Plaintiff’s request for an order directing the California Department of
9 State Hospitals—Coalinga to provide him with direct access to the law library or copies of
10 legal research, Plaintiff has alleged that the law library staff has been diverted to quarantined
11 units and is either unable or unwilling to assist Plaintiff in obtaining legal research and case
12 law. (ECF No. 70.) Plaintiff states that the law library staff have told the staff in Plaintiff’s unit
13 that they are only allowed to print out ten pages of a case due to a contract with their service
14 provider, but Plaintiff has spoken to the service provider by telephone and was informed that
15 the ten-page limit is for research material such as law books. (*Id.*) Plaintiff additionally explains
16 that it took three (3) weeks for him to obtain six cases consisting of approximately three or four
17 pages, and law library staff refused to copy the entire case. (*Id.*) Plaintiff does not know the
18 specific pages he needs and still needs four additional cases and other research material. (*Id.*)
19 Additionally, it has taken Plaintiff a week just to submit a Legal Request Form through the staff
20 in his unit and there is no guarantee how long it will take to receive the requested material. (*Id.*)

21 The Court will provide Defendants with an opportunity to respond to these allegations.
22 After considering Defendants’ response, the Court will determine if any direction to the
23 institution or other relief is appropriate.

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