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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ERIC HEBBE,
Plaintiff, No. CIV S-00-0306 EFB P
vs.
CHERYL PLILER, et. al,
Defendants. ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This case is before the undersigned pursuant to the parties' consent. See 28 U.S.C. § 636.

On September 27, 2007, a jury returned a verdict in favor of the defendants, and on September 28, 2007, judgment was entered. Plaintiff appealed, challenging the district court's April 22, 2002 partial grant of defendants' motion to dismiss.

The U.S. Court of Appeals for the Ninth Circuit reversed the court's ruling and remanded the case as to the following two claims: 1) that prison officials violated his constitutional right of court access because they denied him use of the prison law library without providing any alternative means of legal research assistance during the limited time period in which he was permitted to appeal his state court criminal conviction, and 2) prison officials violated his Eighth

1 Amendment right to be free of cruel and unusual punishment because they forced him to choose
2 between two constitutional rights, his right to exercise and his right of court access, by allowing
3 him out of his cell only two hours per day, four days per week, for a period of eight months.

4 Thus, the case must be reopened for further proceedings on these two claims only.

5 On January 5, 2011, the judgment of the Ninth Circuit Court of Appeals took effect.

6 Good cause appearing, it is hereby ORDERED that:

7 1. The Clerk of the court shall reopen the case.

8 2. Within thirty days of the date of this order, the parties shall submit written status
9 reports addressing the issues listed in Fed. R. Civ. P. 16(c)(2) and Local Rule 240.

10 DATED: February 1, 2011.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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