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

JARMAAL LARONDE SMITH,

Plaintiff,

Case No. 2:07-cv-00964 ALA (P)

vs.

LEANN CRONES, et al.,

ORDER

Defendants.

_____ /

On July 24, 2009, Plaintiff filed a request (doc. 71) for a copy of this Court’s revised scheduling order of July 2, 2009 (doc. 61). In the request, Plaintiff contends that he has not received Defendants’ request to continue the August 4, 2009 trial date (doc. 60) or this Court’s revised scheduling order of July 2, 2009 (doc. 61) because, he alleges, the staff at the Substance Abuse Treatment Facility where he is currently housed is tampering with his mail. Plaintiff asks that this Court “impose any sanctions it deems necessary against SATF Warden Ken Clark to ensure” that his mail is not tampered with in the future.

Sanctions are not warranted at this time. However, good cause showing, it is **HEREBY ORDERED THAT:**

1. The Clerk is directed to re-serve the following documents on Plaintiff by mail:
 - a. **Doc. 60:** REQUEST to Continue the August 4, 2009 Trial Date by

1 Edward Simmerson, Scott Norton. (Attachments: # 1 Declaration of
2 Service by Mail)(Ganson, Jaime) Modified on 7/6/2009 (Engbretson, K.).
(Entered: 07/01/2009);

3 b. **Doc. 61:** REVISED SCHEDULING ORDER signed by Senior Judge
4 Arthur L. Alarcon on 7/2/2009 ORDERING Plaintiff shall file and serve
5 any motions necessary to obtain the attendance of incarcerated witnesses
6 at trial due by 7/13/2009; Pltf shall file and serve his pretrial statement and
7 any motions necessary to obtain attendance of unincarcerated witnesses at
8 trial on or before 8/3/2009; Dfts shall file their pretrial statement by
9 8/7/2009; Pretrial Conference is set in this case for 8/11/2009, and shall be
10 conducted on the file ONLY. Jury Trial reset for 8/24/2009 at 01:30 PM in
11 Courtroom 3 before Senior Judge Arthur L. Alarcon. (Reader, L)
12 (Entered: 07/02/2009);

13 c. **Doc. 70:** ORDER signed by Senior Judge Arthur L. Alarcon on 07/28/09
14 ORDERING that plf's 62 Motion for the issuance of a subpoena deces
15 tecum is GRANTED; Clerk to issue and serve the attached subpoena by
16 mail on Mike McDonald; dft Simmerson shall file a response, if any, to
17 plf's 67 motion to stay dft Simmerson's motion for summary judgment, if
18 any, by 08/03/09. (Attachments: # 1 subpoena) (Benson, A.) (Entered:
19 07/28/2009).

20 2. Upon receipt of these items, Plaintiff shall immediately file a short written
21 statement informing this Court of the date Plaintiff's mail was received, and
22 confirming that all items listed above were received.

23 ////

24 DATED: August 3, 2009

25 /s/ Arthur L. Alarcón
26 UNITED STATES CIRCUIT JUDGE
Sitting by Designation