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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DANIEL J. MASTERSON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SILVA HUERTA-GARCIA, et al., )  
 )  
 Defendants. )

Case No. 2:07-cv-01307-KJD-PAL

**ORDER**

(Mtn to Instruct - Dkt. #59)


This matter is before the court on Plaintiff’s Motion to Instruct the Institution to Allow Plaintiff to Adhere to FRCP Rule 5 (Dkt. #59). The Motion requests the court enter an order allowing Plaintiff to receive more than two free copies of his filings from the law library at the institution in which he is incarcerated so that he can serve the Defendants with copies of his filings pursuant to Rule 5.

Plaintiff essentially seeks an order of the court compelling his institution to provide him with free photocopies. The right of meaningful access to the courts, however, does not confer a right to free unlimited photocopies. *See Sands v. Lewis*, 886 F.2d 1166, 1169 (9th Cir. 1989) (citing *Jones v. Franzen*, 697 F.2d 801, 803 (“[B]road as the constitutional concept of liberty is, it does not include the right to xerox.” (7th Cir.1983)); *see also Wanninger v. Davenport*, 697 F.2d 992, 994 (11th Cir.1983); *Johnson v. Parke*, 642 F.2d 377, 380 (10th Cir. 1981); *Harrell v. Keohane*, 621 F.2d 1059, 1060-61 (10th Cir.1980). Plaintiff has not stated how his institution’s refusal to provide more than two free photocopies has impeded his access to the courts.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Motion to Instruct (Dkt. #59) be DENIED.

Dated this 25th day of January, 2011.

  
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PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE