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

LEVON D. GRAHAM,

Plaintiff,

No. CIV S-07-2291 GGH P

vs.

RUNNELS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding with appointed counsel, seeks relief pursuant to 42 U.S.C. § 1983. Brian Berry of Latham & Watkins, LLP, has communicated with this court by way of a letter, copied to counsel for defendants. Mr. Berry indicates that, in view of the rapidly approaching dispositive motion deadline, on November 23, 2011, plaintiff's counsel needs access to plaintiff in order to prepare an effective opposition; however, other than a June 2011, telephone call to plaintiff, all subsequent written and oral requests to the Salinas Valley Litigation Coordinator (SVSP) Jennifer Delaney, for telephonic communication, have been refused. Mr. Berry indicates that plaintiff is in administrative segregation, where telephone access is not permitted, and that plaintiff will remain there through at least November of 2011. Ms. Delaney apparently requires a court order for further communication by telephone. The court agrees with plaintiff's counsel that regular trips to SVSP from San Francisco would be

1 unduly burdensome for pro bono counsel. While the undersigned is loath to intervene where
2 state prison officials' administration of state prisons is concerned, counsel for plaintiff should not
3 be completely foreclosed from an alternative form of live communication with their client in the
4 circumstances. The two defendants in this action, Kopec and Martin, were employed at High
5 Desert State Prison and thus do not appear to be implicated in any fashion by this request.
6 Nevertheless, the court will provide defendant's counsel an opportunity to provide a response to
7 plaintiff's counsel's request within seven days. There will be no extension of time.

8 IT IS SO ORDERED.

9 DATED: September 20, 2011

10 /s/ Gregory G. Hollows
11 UNITED STATES MAGISTRATE JUDGE

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