

MINUTES

CASE NUMBER: 2:08-CV-00408SOM-LEK(PC)
CASE NAME: Vernon D. Carroll vs. S. Sury Adevara, et al.
ATTYS FOR PLA:
ATTYS FOR DEFT:
INTERPRETER:

JUDGE: Leslie E. Kobayashi REPORTER:
DATE: 12/16/2009 TIME:

COURT ACTION: EO: COURT ORDER REGARDING PLAINTIFF'S MOTION FOR LEGAL PRO-PER STATUS AND PLAINTIFF'S MOTION TO AMEND COMPLAINT

Before the Court are Plaintiff Vernon D. Carroll's ("Plaintiff") Motion for Legal Pro-Per Status, filed December 4, 2009 ("PLU Motion"), and Motion to Amend Complaint, filed December 11, 2009 ("Motion to Amend").

On November 18, 2009, the district judge issued an order dismissing Plaintiff's First Amended Complaint and giving Plaintiff until December 17, 2009 to file a Second Amended Complaint alleging any viable claims against S. Sury Adevara and E. Mazin. Plaintiff did file a timely response to the district judge's order, but titled it as the Motion to Amend. Plaintiff did not need to file a motion to amend because the district judge has already granted him leave to amend. This Court therefore CONSTRUES the Motion to Amend Complaint as Plaintiff's Second Amended Complaint.

In the PLU Motion, Plaintiff states that he is having problems gaining access to the law library and to legal supplies at the California Rehabilitation Center ("CRC"). He asks the Court to grant him preferred legal user ("PLU") status and to order CRC to provide him access to legal books and legal supplies, such as legal papers, pens, and folders. Plaintiff apparently argues that this is necessary to respond to the district judge's order.

Insofar as Plaintiff was able to obtain legal supplies and has already filed his Second Amended Complaint, the PLU Motion is HEREBY DENIED AS MOOT. To the extent that the PLU Motion requests court-ordered PLU status or otherwise seeks access to the law library, the PLU Motion is DENIED WITHOUT PREJUDICE. Plaintiff may renew this request, if necessary, if he can show that he requested PLU status, that he

followed CRC's requirements for such a request, and that CRC denied the request.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager