

THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

OSCAR ARREOLA,	)	CIVIL NO. 2:08-00805 JMS
)	
Plaintiff,	)	ORDER (1) DENYING AS MOOT
	)	PLAINTIFF’S “MOTION: TO
vs.	)	ORDER WARDEN BOBBY
	)	PHILLIPS TO REMEDIAL []
G. DUDLEY,	)	ACCESS TO AN ADEQUATE LAW
	)	LIBRARY IN THE MAIN LAW
Defendant.	)	LIBRARY BUILDING;” (2) SETTING
	)	BRIEFING SCHEDULE ON
	)	DEFENDANT’S MOTION FOR
	)	SUMMARY JUDGMENT AND
	)	(3) VACATING THE AMENDED
_____	)	RULE 16 SCHEDULING ORDER

ORDER (1) DENYING AS MOOT PLAINTIFF’S “MOTION: TO ORDER WARDEN BOBBY PHILLIPS TO REMEDIAL [] ACCESS TO AN ADEQUATE LAW LIBRARY IN THE MAIN LAW LIBRARY BUILDING;” (2) SETTING BRIEFING SCHEDULE ON DEFENDANT’S MOTION FOR SUMMARY JUDGMENT; AND (3) VACATING THE AMENDED RULE 16 SCHEDULING ORDER

On September 16, 2010, pro se prisoner Plaintiff Oscar Arreola (“Plaintiff”) filed a motion requesting an order requiring Warden Bobby Phillips to give Plaintiff, who was being housed in Administrative Segregation of the Tallahatchie Correctional Facility, access to the law library. On September 17, 2010, the court requested that the Tallahatchie Correctional Facility provide

Plaintiff access to the library for the purpose of responding to Defendant's Motion for Summary Judgment.

On October 7, 2010, Plaintiff filed a document entitled "Motion: to Order Warden Bobby Phillips to Remedial [] Access to an Adequate Law Library in the Main Law Library Building." Plaintiff's October 7 Motion asserted that his library access in Administrative Segregation consisted of an inmate cell that has been converted into a law library and that this law library is inadequate. On October 13, 2010, the court ordered Defendant to investigate Plaintiff's assertions and respond by November 1, 2010. On November 1, 2010, Defendant filed his Response, submitting evidence that as of October 8, 2010 Plaintiff is no longer in Administrative Segregation and therefore has regular access to the main law library for a minimum of four hours per week.

Because Plaintiff now has regular access to the main law library -- and has had regular access for the last three weeks -- the court DENIES as moot Plaintiff's October 12, 2010 Motion seeking library access. The court further orders Plaintiff to submit his Opposition to Defendant's Motion for Summary Judgment by November 15, 2010. Defendant's Reply is due by December 1, 2010. Finally, the court VACATES the Amended Rule 16 Scheduling Order. A Second

Amended Rule 16 Scheduling Order will be filed if necessary after the court rules on Defendant's Motion for Summary Judgment.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 1, 2010.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge

Arreola v. Dudley, Civ. No. 2:08-00805 JMS, Order (1) Denying as Moot Plaintiff's "Motion: to Order Warden Bobby Phillips to Remedial [] Access to an Adequate Law Library in the Main Law Library Building;" (2) Setting Briefing Schedule on Defendant's Motion for Summary Judgment; and (3) Vacating the Amended Rule 16 Scheduling Order