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

HERBERT C. VICE,

Plaintiff,

No. 2:08-cv-0940 LKK JFM (PC)

vs.

JAMES WALKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on claims raised against defendant James Walker, the Warden of California State Prison-Sacramento, in plaintiff's first amended complaint, filed May 20, 2008. Plaintiff claims that his rights under the Eighth and Fourteenth Amendments have been violated by ongoing denial of family visits following a 2004 disciplinary conviction. Plaintiff alleges that pursuant to that conviction he was punished with a one year loss of all visiting privileges followed by a two year loss of non-contact visiting, but that his visiting privileges have never been restored. Plaintiff seeks injunctive relief in the form of an order reinstating visits with his wife and removing the rules violation report dated December 7, 2003 from his central file. Defendant has moved for summary judgment.

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1 It appears undisputed that defendant Walker revoked plaintiff's wife's visiting
2 privileges following the disciplinary conviction challenged in this action, and that he denied her
3 February 15, 2007 request to reinstate those privileges. Defendant now seeks summary judgment
4 in part on the ground that plaintiff's claim for injunctive relief seeking restoration of his visiting
5 privileges with his wife has been mooted by his transfer from California State Prison-Sacramento
6 to California State Prison-Corcoran.

7 Good cause appearing, IT IS HEREBY ORDERED that within ten days from the
8 date of this order defendant shall inform the court in writing whether plaintiff's wife is permitted
9 to visit plaintiff at California State Prison-Corcoran. If plaintiff's wife is not permitted to visit
10 plaintiff at California State Prison-Corcoran, defendant shall include with his response evidence
11 of the reason(s) such visits are not permitted.

12 DATED: April 4, 2011.

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15 UNITED STATES MAGISTRATE JUDGE

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