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

MARVIN GLEN HOLLIS,

Plaintiff,

No. CIV S-08-1094 MCE KJM P

vs.

J. MASON, et al.,

Defendants.

ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On June 10, 2010, this court denied plaintiff's request for access to the law library. Plaintiff has now filed a request for sanctions to be imposed on counsel for defendants because of inconsistent positions and because of an alleged perjurious declaration by the law librarian.

Between the time of defendant's appearance at the hearing on the motion to compel and the filing of the opposition to law library access, a new deputy attorney general was assigned to this case. Any statements Mr. Lee made at the hearing about law library access are not attributable to Ms. Devencenzi and so there is no basis for judicial estoppel.

There is also no basis for the imposition of sanctions. Plaintiff claims the law librarian's declaration is false because it is not supported by any rules violations reports or documentary evidence. Plaintiff's own declaration denying any threats to the law librarian

1 similarly lacks documentary support. The court declines to find that either is perjurious simply
2 because there are no documents attached.

3 Plaintiff has submitted documents showing that he has been denied opportunities
4 to make copies in another case and asks for an order guaranteeing him access in order to copy his
5 pretrial statement. However, in light of the pending settlement conference, the court vacates the
6 current dates for submitting pretrial statements and for pretrial conference and now orders that
7 simultaneous pretrial statements are due by September 15, 2010, should the case not settle. The
8 trial date of October 12, 2010, remains in place and is not being vacated at the present time.

9 IT IS THEREFORE ORDERED that:

10 1. Plaintiff's request for sanctions and estoppel (docket no. 70) is denied; and

11 2. The dates for submitting pretrial statements and for the pretrial conference are
12 vacated and the parties are directed to file simultaneous pretrial statements by September 15,
13 2010, if the case does not settle prior to that date.

14 DATED: July 19, 2010.

15 
16 U.S. MAGISTRATE JUDGE

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