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

ANTHONY R. GRAHAM,

Plaintiff,

No. 2:08-cv-2533 GEB KJN P

vs.

JUBB, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel. This civil rights action is proceeding on plaintiff’s third amended complaint alleging that defendants Jubb and Whitted were deliberately indifferent to plaintiff’s serious medical needs while plaintiff was housed at California State Prison, Sacramento. Plaintiff is now housed at California State Prison, Lancaster (“CSP-LAC”). On March 18, 2013, plaintiff filed a motion for return of property. Plaintiff states that he has been placed in a mental health crisis bed at CSP-LAC, and that he will be transferred to the Department of Mental Health at Vacaville, California. Plaintiff claims he has no legal property in his possession, and seeks a court order directing CSP-LAC officials to provide plaintiff with his legal materials.


On April 4, 2013, plaintiff filed a notice of change of address to the California Medical Facility (“CMF”) in Vacaville, California.

1 By order filed March 1, 2013, the court set a schedule in this matter, and
2 discovery must be completed by June 28, 2013. Thus, it appears plaintiff has been without his
3 legal materials for a large part of the discovery period, and it is unclear when plaintiff will be
4 reunited with his legal materials. Accordingly, the court cannot determine the impact on
5 plaintiff's ability to seek discovery, and whether a modification to the March 1, 2013 scheduling
6 order is appropriate. Therefore, the undersigned requests that counsel for defendants contact the
7 litigation coordinator at California Medical Facility or other appropriate prison officials to
8 determine whether plaintiff now has possession of his legal materials or, if he does not, what date
9 he will receive the legal materials from CSP-LAC. Within fourteen days from the date of this
10 order, counsel shall file a status report informing the court of the status of plaintiff's legal
11 materials, and setting forth defendants' position on a modification to the scheduling order.
12 Plaintiff may file a reply within seven days thereafter.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's March 18, 2013 motion (dkt. no. 77) is partially granted; and
15 2. Within fourteen days from the date of this order, counsel shall file a status
16 report as set forth above. Plaintiff may file a reply within seven days thereafter.

17 DATED: April 15, 2013

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20 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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