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

LAFONZO R. TURNER,

Plaintiff,

No. 2:09-cv-0117 WBS KJN P

vs.

SACRAMENTO COUNTY JAIL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel. On December 1, 2010, plaintiff filed a motion for extension of time to file opposition to defendants' pending motion for summary judgment. Plaintiff also asks for additional time to pursue discovery. Pursuant to this court's May 11, 2010 scheduling order, discovery closed September 7, 2010.

However, on November 1, 2010, plaintiff filed a motion for an order requiring Lancaster State Prison, where plaintiff is presently housed, to give plaintiff access to his legal materials. (Dkt. No. 82.) Plaintiff claims he has not been provided his legal materials since July of 2010. Plaintiff declares under penalty of perjury that officials at Lancaster have taken all of plaintiff's legal materials, pens and pencils, and are not providing him envelopes for legal mail.

In addition, on September 16, 2010, plaintiff filed a motion for access to his legal materials to which he appended a copy of his inmate appeal concerning that deprivation. (Dkt.

1 No. 79.) As of the date of mailing, plaintiff had not received a response to his appeal. (Id.)

2 This court is aware that plaintiff is presently housed in administrative segregation
3 which limits plaintiff's access to his property and the law library. However, there are procedures
4 in place for plaintiff to obtain access to his legal materials and obtain legal research. Plaintiff has
5 provided evidence that he has completed an administrative segregation personal property request.
6 (Dkt. No. 82 at 3-4.) Plaintiff has also provided a copy of a note from Correctional Officer
7 Davenport that reads:

8 Mr. Turner

9 Your [sic] supposed to get one pull while in Ad Seg. I have
10 documentation that you got pulls on 11-20-09 - 11-30-09 - 7-13-10
and 7-6-10. Your [sic] Done.

11 C/O Davenport
12 9-22-10

13 (Dkt. No. 82 at 5.) While this court understands the necessity of regulating prisoners' access to
14 property, prisoners "must be ensured meaningful access to the courts." Rand v. Rowland, 154
15 F.3d 952 (9th Cir. 1998) (citations omitted). This court cannot rule on defendants' motion for
16 summary judgment unless and until plaintiff has sufficient access to his legal materials to prepare
17 an opposition. Defendants are represented by private counsel; the Office of the Attorney General
18 has not appeared herein.

19 Accordingly, defendants will be directed to contact the Litigation Coordinator at
20 Lancaster State Prison to inquire regarding Correctional Officer Davenport's September 22, 2010
21 note to plaintiff, and plaintiff's access to his legal materials and other items necessary to prepare
22 an opposition to the pending motion for summary judgment. Specifically, defendants shall
23 obtain declarations addressing plaintiff's motions (dkt. nos. 79 & 82), Correctional Officer
24 Davenport's note, and plaintiff's access to his legal materials, if any, from July 14, 2010, to the
25 present. The court will postpone ruling on plaintiff's December 1, 2010 motion under Rule 56(f)
26 of the Federal Rules of Civil Procedure pending receipt of defendants' response.

1 Good cause appearing, IT IS HEREBY ORDERED that counsel for defendants
2 shall forthwith contact the Litigation Coordinator at Lancaster State Prison and obtain
3 declarations addressing the following:

- 4 1. Plaintiff's motions for access to his legal materials (dkt. nos. 79 & 82);
5 2. Correctional Officer Davenport's note, set forth above; and
6 3. Plaintiff's access to his legal materials, if any, from May 11, 2010, to the
7 present.

8 Thirty days from the date of this order counsel for defendants shall file a response
9 to plaintiff's motions (dkt. nos. 79 & 82), including the pertinent declarations.

10 DATED: December 14, 2010

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13 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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