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

WILLIE BRIDGES,

Plaintiff,

No. CIV S-09-0940 GEB DAD P

vs.

SUZAN L. HUBBARD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court are several of plaintiff’s motions.

First, plaintiff has filed a motion for an extension of time to conduct discovery. Defendants have not opposed or otherwise responded to plaintiff’s motion. Good cause appearing, for the reasons discussed below, the court will grant plaintiff as well as all of the parties in this action additional time to conduct discovery.

Second, plaintiff has filed two virtually identical motions for the court to “re-issue” the scheduling order in this case. At the time the court issued the scheduling order, seven of the eight defendants had answered plaintiff’s amended complaint. Defendant Marquez had not made an appearance yet. On June 1, 2011, defendant Marquez filed an answer. Good cause

1 appearing, the court will grant plaintiff's motions and issue a new discovery and scheduling order
2 in light of defendant Marquez's appearance in this case.

3 Finally, plaintiff has filed a motion for a court order requiring the California
4 Department of Corrections and Rehabilitation to allow him to communicate with potential third-
5 party inmate witnesses. California Code of Regulations title 15, § 3139 provides in part:

6 Inmates shall obtain written authorization from the
7 Warden/Regional Parole Administrator or their designee/assigned
8 probation officer, person in charge of the County Jail and/or other
9 State Correctional Systems, at a level not less than Correctional
10 Captain/Facility Captain or Parole Agent III, to correspond with
11 any of the following:

12 (1) Inmates under the jurisdiction of any county, state or federal,
13 juvenile or adult correctional agency.

14 (2) Persons committed to any county, state or federal program as a
15 civil addict.

16 (3) Persons on parole or civil addict outpatient status under the
17 jurisdiction of any county, state or federal, juvenile or adult
18 correctional agency.

19 Plaintiff has not indicated whether he has availed himself, or attempted to avail himself, of the
20 process provided by the California Code of Regulations to obtain approval to correspond with his
21 potential third-party inmate witnesses. Accordingly, the court will deny plaintiff's motion
22 without prejudice. If plaintiff attempts to engage in communications with his potential third-
23 party witnesses by following the proper procedures outlined above and is denied access or is
24 otherwise not able to effectively communicate with his potential witnesses, and those
25 communications are necessary to prosecute this cause of action, plaintiff may renew his motion.
26 In any renewed motion, however, plaintiff will need to describe his attempts to avail himself of
the process provided above, explain how the process failed him, and elaborate on why the
communication with any potential third-party witness is relevant to this cause of action. Plaintiff
is cautioned that this court does not have jurisdiction in this action over anyone other than

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1 plaintiff and defendants. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112
2 (1969).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for an extension of time to conduct discovery (Doc. No. 66)
5 is granted;

6 2. Plaintiff's motions to "re-issue" a scheduling order in light of defendant
7 Marquez's appearance in this action (Doc. Nos. 67 & 68) are granted.

8 3. The court's March 17, 2011 discovery and scheduling order is vacated. The
9 court will issue a separate discovery and scheduling order with new discovery and pretrial motion
10 cut-off dates; and

11 5. Plaintiff's motion for a court order allowing him to communicate with
12 potential thirty-party inmate witnesses (Doc. No. 69) is denied without prejudice.

13 DATED: August 8, 2011.

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17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

16 DAD:9
17 brid0940.mots