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

CLARENCE SARGENT,

Plaintiff,

No. CIV S-09-1472 GGH P

vs.

P. STATTI, et al.,

Defendants.

ORDER

_____ /

The court, by separate order, has found plaintiff’s amended complaint, filed in this court on June 10, 2009 (# 9), conditionally appropriate for service. In an “ex parte motion for immediate injunctive relief,” filed on August 6, 2009 (# 21), which the court construes as a motion for a temporary restraining order, plaintiff indicates that he is under an imminent threat of an attack by his cellmate.

In his amended complaint (p. 5), plaintiff alleges, inter alia, that he is “an inmate of special interest” to the California Department of Corrections and Rehabilitation due to safety concerns apparently arising from his past cooperation/assistance in the prosecution of Pelican Bay State Prison departmental staff. See dockets # 9 and # 21. Plaintiff has evidently been in both federal and state custody due to safety concerns over the last number of years. Plaintiff alleges that his current placement in High Desert State Prison places him at greater risk of being

1 assaulted or killed.

2 Although plaintiff's "ex parte" motion has multiple deficiencies, among them, a
3 failure to submit a supporting affidavit under penalty of perjury, a failure to set forth the date of
4 the incident at issue or to identify any particular prison official as handing off plaintiff's
5 documents to his cellmate, a failure to even provide the date of his own motion, the court does
6 not feel at liberty to disregard the filing, given the varying locations/jurisdictions of his prison
7 housing and his apparent wide array of enemies.

8 Accordingly, IT IS ORDERED that:

9 1. Defendant has until August 14, 2009 to respond to plaintiff's request for
10 immediate injunctive relief.

11 2. In the interim, the Attorney General and pertinent defendants must forthwith
12 take any steps necessary to ascertain whether plaintiff is in imminent danger in his current
13 housing arrangement.

14 3. The Clerk of the Court is directed to send a copy of the amended complaint,
15 filed on June 10, 2009 (#9), a copy of plaintiff's "ex parte motion for immediate injunctive
16 relief," filed on August 6, 2009 (# 21), and a copy of this order upon Monica Anderson,
17 Supervising Deputy Attorney General, and upon Jennifer Neill, Supervising Deputy Attorney General.

18 4. In addition, the Clerk of the Court is directed to mail a copy of the first
19 amended complaint, filed on June 10, 2009 (#9), Warden Mike McDonald, High Desert State
20 Prison, 475-750 Rice Canyon Road, P.O. 750, Susanville, CA 96127.

21 DATED: August 7, 2009

22
23 /s/ Gregory G. Hollows

24 _____
25 GREGORY G. HOLLOWES
26 UNITED STATES MAGISTRATE JUDGE

GGH:009
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