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

TONY ASBERRY,

Plaintiff,

No. 2:09-cv-1494 MCE KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

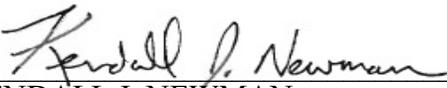
Plaintiff is a state prisoner incarcerated at California State Prison-Sacramento (“CSP-SAC”), who proceeds without counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion entitled “Motion for Court Order to be Allowed Access to the Law Library,” wherein he alleges that a court order is necessary before plaintiff will be permitted to use the law library. (Dkt. No. 41.) Two matters are currently pending before the court which require plaintiff’s access to the law library. Most immediately, defendants have moved to dismiss a portion of plaintiff’s case (Dkt. No. 30). The extended filing deadline for plaintiff’s response to the motion, and to the court’s order to show cause (Dkt. No. 33), is Friday, September 23, 2011 (see order filed August 24, 2011 (Dkt. No. 39 at 2-3)). *The court hereby further extends this deadline to Friday, September 30, 2011.* The second matter requiring that plaintiff have access to the prison law library is the preparation of his reply to defendants’

1 anticipated opposition to plaintiff's pending motion for preliminary injunction. (See Dkt. Nos.
2 32, 39.) Defendants' response is due on or before October 5, 2011; and after service of
3 defendants' response, plaintiff has fourteen days within which to prepare and file a reply.

4 CSP-SAC prison staff are requested to accommodate plaintiff's need to use the
5 prison law library in order to meet these deadlines, with due consideration to the competing
6 needs of other prisoners, and other relevant institutional considerations.

7 Accordingly, plaintiff's motion (Dkt. No. 41) is granted in part. The court notes,
8 however, that plaintiff has filed several unrelated matters in this case within the last month.
9 Plaintiff is cautioned to exercise restraint when considering whether to file further motions in this
10 action. A litigant proceeding in forma pauperis may suffer restricted access to the court where it
11 is determined that he has filed excessive motions in a pending action that unnecessarily taxes
12 judicial resources. See e.g. DeLong v. Hennessey, 912 F.2d 1144 (9th Cir. 1990); see also
13 Tripati v. Beaman, 878 F2d 351, 352 (10th Cir. 1989).

14 DATED: September 19, 2011

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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