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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA,
SACRAMENTO DIVISION

ANDREW R. LOPEZ,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

No. 2:09-cv-01760 MCE AC P

**STIPULATION AND [PROPOSED]
ORDER TO SCHEDULE
STATUS CONFERENCE**

The parties previously stipulated and agreed to extend the date for filing a status conference memorandum to March 28, 2016, on the basis that plaintiff’s counsel had not been cleared by the Attorney Visiting Officer at Pelican Bay State Prison because it was asserted that counsel’s background records check needed to be corrected with additional information. After many unsuccessful attempts to comply with prison staff’s request, on March 9, 2016, counsel filed a motion in plaintiff’s other pending case, *Lopez v. Peterson et al.*, 2:98-cv-02111-MCE-EFB-P ¹ (Doc. #452), for an order directing Pelican Bay State Prison to grant my request for clearance. The day after the motion was filed, the clearance was granted by the Attorney Visiting Officer and the motion was

¹ The proposed order mistakenly identified this case number as 2:98-cv-01112-MCE-EFB-P.

1 withdrawn. (Doc. #453.) The next available date counsel had for the trip to Pelican Bay
2 was March 21, and the visit with Mr. Lopez occurred on March 23.

3 However, at the meeting it was discovered that despite his requests Mr. Lopez
4 had not been provided his legal papers in the *Peterson* or the *Schwarzenegger* matters.
5 Consequently, he had not been able to review the materials prior to our meeting and to
6 adequately consult with counsel. Further, shortly after Mr. Lopez transferred to Pelican
7 Bay on January 29, 2016, his long prescribed pain medication for his chronic back pain
8 was terminated and nothing other than aspirin was provided in its place.
9 Consequently, Mr. Lopez has been able to sleep only two to three hours per night and is
currently thoroughly fatigued.

10 Counsel had conferred with defendants' counsel, Matthew Ross Wilson, about
11 the need to postpone the conference memorandum filing date at this time to allow
12 counsel to file a motion in this case and *Peterson* for orders regarding Mr. Lopez's access
13 to his legal material and to rectify his medical issue. A similar issue was presented in
14 Mr. Lopez's pending pro per case, *Lopez v. Cate et al.*, 1:10-cv-01773-DAD-SKO-P,²
15 wherein the Deputy Attorney General interceded to have his legal files provided to him
16 at Pelican Bay. (See 1:10-cv-01773, Doc. #166.) The motions will be filed by April 1,
2016, and hopefully, an adequate opportunity to meet and confer with plaintiff would
soon follow.

17 Defendants' counsel has no opposition to plaintiff's request and thereby the
18 parties stipulate to postponing the filing of conference memorandum based on the
19 April 1, 2016, filing of plaintiff's motion in this case and *Peterson*.

20 IT IS SO STIPULATED.

21 ////

22 ////

23 ² The proposed order mistakenly identified this case number as 2:08-cv-01196-TLN-EFB-P.

1 Dated: March 25, 2016

2 /s/Robert Navarro
3 ROBERT NAVARRO
4 Attorney for Andrew Rick Lopez

5 Dated: March 25, 2016

6 WILLIAMS & ASSOCIATES
7 /s/Matthew Ross Wilson
8 MATTHEW ROSS WILSON
9 Attorneys for defendants
10 BEARD, WILLIAMS, PARK, GARCIA,
11 BERNA, CRONJAGER, GOMEZ,
12 FLOREZ, McCLURE, BUECHNER, BURT,
13 FISCHER, RUFF and KISSEL

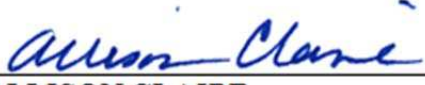
14 **ORDER**

15 Based on the parties' stipulation and good cause appearing, it is ordered that:

16 The parties' request to postpone the filing of a joint statement in accordance with
17 this Court's order of March 17, 2015, declaring their ability to go forward and any
18 matters related to further proceedings in this case, pending the April 1, 2016, filing of
19 plaintiff's motion for orders regarding provision of his legal materials and remedying
20 his medical issue, and having a more adequate consultation with his attorney regarding
21 the status of this case, **IS HEREBY GRANTED.**

22 Further, IT IS HEREBY ORDERED that the Office of the California Attorney
23 General shall promptly cooperate with plaintiff's counsel and the Litigation
Coordinator at Pelican Bay State Prison to attempt to obtain plaintiff's access to his legal
materials and to address plaintiff's medication problem without need for a motion filed
in this court. Additionally, on or before Friday, May 6, 2016, the parties shall file their
joint statement in accordance with this Court's order filed March 17, 2015, see ECF No.
225, unless a joint request for extension of time is timely submitted and demonstrates
good cause for further delay.

DATED: March 28, 2016


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE