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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO NAVARRO,  
Plaintiff,  
v.  
DEBRA HERNDON, et al.,  
Defendants.

No. 2: 09-cv-1878 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for sanctions. (ECF No. 211.) For the following reasons, this motion is denied.

On March 25, 2016, the undersigned recommended that defendants' motion for summary judgment be granted in part and denied in part. (ECF No. 183.)

On April 6, 2016, the undersigned scheduled this action for a settlement conference. (ECF No. 184.) The undersigned ordered that objections to the findings and recommendations were due fourteen days after the settlement conference if no settlement was reached. (Id.) The undersigned directed the Warden at Ironwood State Prison, where plaintiff was housed, to transport plaintiff to Sacramento for the settlement conference. (ECF No. 185.)

A settlement conference was held on July 8, 2016. This action did not settle. On August 15, 2016, plaintiff filed four page objections to the findings and recommendations. (ECF No.

1 204.) In his objections, plaintiff stated that he was now housed at the California Training Facility  
2 (“CTF”). In his objections, plaintiff stated that his legal property was still at California State  
3 Prison-Sacramento (CSP-Sac), where he was housed for the settlement conference.

4 On August 19, 2016, the undersigned ordered defendants to inform the court of the status  
5 of plaintiff’s access to his legal property. (ECF No. 207.) On August 24, 2016, defendants  
6 informed the court that, on or about August 18, 2016, four boxes of plaintiff’s legal property were  
7 shipped from CSP-Sac to CTF. (ECF No. 209.)

8 On August 15, 2016, plaintiff filed a motion for sanctions against defendants. (ECF No.  
9 205.) Plaintiff argued that defendants should be sanctioned because they were withholding his  
10 legal property. On August 25, 2016, the undersigned denied plaintiff’s motion for sanctions  
11 because plaintiff’s legal property had been shipped to him. (ECF No. 210.) The undersigned also  
12 granted plaintiff twenty-one days to file his supplemental objections to the March 25, 2016  
13 findings and recommendations. (Id.)

14 On September 14, 2016, plaintiff filed the pending motion for sanctions. (ECF No. 211.)  
15 In this motion, plaintiff alleges that he did not receive access to his legal property until September  
16 4, 2016. Plaintiff also claims that his legal property has been tampered with. Plaintiff alleges that  
17 an original grievance and sections of his prison files are missing from his legal property.

18 On September 23, 2016, defendants filed a response to plaintiff’s pending motion for  
19 sanctions. (ECF No. 213.)

20 After reviewing the pleadings, the undersigned finds that sanctions are not warranted. If  
21 plaintiff is missing legal property that he requires for trial, he may file an appropriate motion with  
22 the court.

23 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for sanctions (ECF No.  
24 211) is denied.

25 Dated: October 12, 2016

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE