

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KARLUK M. MAYWEATHERS,

Plaintiff,

No. 2:09-cv-3284 LKK KJN P

vs.

GARY SWARTHOUT, et al.,

Defendants.

ORDER

_____ /

The court's order filed November 7, 2012 (Dkt. No. 60), is hereby vacated.¹

Plaintiff is a state prisoner incarcerated at the California Men's Colony West, in San Luis Obispo, California. Plaintiff's court-appointed counsel requests an order authorizing the following confidential telephone calls with plaintiff, concerning the settlement conference in this action scheduled for November 15, 2012, at 1:00 p.m, before Magistrate Judge Craig M. Kellison. Counsel requests authorization for confidential telephone calls with plaintiff on the following dates and at the following times: (1) Tuesday, November 13, 2012, at 12:00 p.m., and (2) Thursday, November 15, 2012, at 3:15 p.m.

////

¹ The court's prior order inaccurately referenced November 15, 2012, as a Wednesday, rather than a Thursday. The correction is made in the instant order.

1 For good cause shown , IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion for confidential attorney-client telephone calls (Dkt. No. 59)
3 is granted.

4 2. The CMCW Warden, CMCW Litigation Coordinator, and other pertinent
5 CMCW correctional staff, shall facilitate two *confidential* telephone calls between inmate Karluk
6 Mayweathers, and his appointed counsel (Ms. Rachel Smith and/or Mr. Amir Nassihi), on the
7 following dates and at the following times:

8 (1) Tuesday, November 13, 2012, at 12:00 p.m., and

9 (2) Thursday, November 15, 2012, at 3:15 p.m.

10 Each of these *confidential* telephone calls shall continue, without interruption, for a maximum of
11 120 minutes or until completed, whichever is earlier.

12 3. In addition, should counsel require a third *confidential* telephone call with
13 plaintiff, on November 15, 2012, for the purpose of concluding the scheduled settlement
14 conference, CMCW staff are directed to promptly facilitate such request from plaintiff's counsel,
15 subject to same conditions noted above, without requiring a further order of this court.

16 4. Upon the filing and service of this order, plaintiff's counsel shall contact the
17 CMCW Litigation Coordinator, and provide a telephone number that may be used to reach
18 counsel at their office and for purposes of facilitating the above-noted *confidential* telephone
19 calls.

20 5. The Clerk of the Court is directed to promptly serve a copy of this order, by
21 facsimile and/or email, on both the CMCW Warden and CMCW Litigation Coordinator.

22 SO ORDERED.

23 DATED: November 8, 2012

24 
25 _____
KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE