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

LUIS ARMENTERO,

Plaintiff,

No. 10-cv-0965 KJM KJN P

vs.

K.L. DICKINSON, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is housed at Avenal State Prison.

On September 21, 2012, the court granted plaintiff twenty-one days to serve his opposition to defendants' summary judgment motion. On October 15, 2012, plaintiff filed a letter with the court stating that he was unable to obtain law library access in order to make copies of his opposition for service on defendants.

On October 23, 2012, plaintiff was granted fifteen days to file his opposition or a declaration addressing his attempts to obtain law library access. On October 29, 2012, plaintiff filed a letter with the court stating since October 8, 2012, he has not been able to access to the law library in order to make copies of his opposition.

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1 No defendants are located at Avenal State Prison where plaintiff is allegedly being  
2 denied law library access. However, the undersigned is concerned that the court will lose  
3 jurisdiction over this case if plaintiff is not permitted law library access in order to make copies  
4 of his opposition to defendants' summary judgment motion.

5 The All Writs Act, 28 U.S.C. § 1651(a) permits the court to issue writs "necessary  
6 or appropriate in aid of their jurisdictions and agreeable to the usages and principles of law." See  
7 generally S.E.C. v. G.C. George Securities, Inc., 637 F.2d 685 (9th Cir. 1981); United States v.  
8 New York Telephone Co., 434 U.S. 159 (1977). This section does not grant the court plenary  
9 power to act in any way it wishes; rather, the All Writs Act is meant to aid the court in the  
10 exercise and preservation of its jurisdiction. Plum Creek Lumber Company v. Hutton, 608 F.2d  
11 1283, 1289 (9th Cir. 1979).


12 Pursuant to the All Writs Act, the Warden of Avenal State Prison is directed to  
13 inform the court of the status of plaintiff's law library access within ten days of the date of this  
14 order.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Within ten days of the date of this order, the Warden of Avenal State Prison  
17 shall inform the court of the status of plaintiff's law library access;

18 2. The Clerk of the Court is directed to serve a copy of this order on the Warden  
19 of Avenal State Prison.

20 DATED: October 30, 2012

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23 KENDALL J. NEWMAN  
24 UNITED STATES MAGISTRATE JUDGE

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