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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON E. DEAN,
Plaintiff,
v.
KATHRYN M. GONZALES, et al.,
Defendants.

No. 2:10-cv-01355 MCE KJN (PC)

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action filed pursuant to 42 U.S.C. § 1983. This action is proceeding on plaintiff’s fifth amended complaint which alleges that defendants at the Sacramento County Jail violated his Eighth Amendment rights by their alleged deliberate indifference to his serious medical needs. ECF No. 34.

On January 8, 2014, plaintiff filed a motion styled as “plaintiff’s pursuit of class counsel membership.” ECF No. 110. In his filing, plaintiff seeks “support in his claim for the enjoining of ‘class counsel.’” Id. Plaintiff also indicates that he “has been assaulted four times by full-bodied inmates while plaintiff is a permanent wheelchair-bound hemiplegic whom has filed a superior court (claim) in Kings County.” Id. Plaintiff provided with his motion an order issued in Plata, et al. v. Schwarzenegger, et al., Case No. C01-1351 THE (N.D. Cal.), which indicates that any filings received in that action from pro se inmates shall not be filed and will instead be forwarded to the Plata Receiver’s Controlled Correspondence Unit for appropriate investigation.

1 Id. at 4.

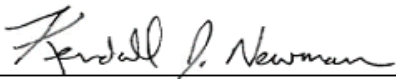
2 With regard to plaintiff's request for the "enjoining of 'class counsel,'" as this court has
3 previously advised plaintiff, "to the extent plaintiff is seeking relief through Plata . . . , plaintiff
4 must pursue such claims through class counsel." ECF No. 99. The court cannot serve as an
5 advocate for plaintiff; and it is incumbent upon plaintiff to contact the Plata class counsel himself.
6 Therefore, plaintiff's motion will be denied.

7 With regard to plaintiff's allegation of assault by four inmates, the court notes that
8 plaintiff is presently incarcerated in a state prison in Corcoran, California. Further, plaintiff's
9 allegation is unrelated to his underlying Eighth Amendment claims based on incidents at the
10 Sacramento County Jail. As explained in this court's previous order addressing plaintiff's alleged
11 transfer to a high security prison, "[i]f plaintiff intends to challenge the actions of prison officials
12 at the state prison in Corcoran, he must file a civil rights complaint naming such officials. Claims
13 arising in Corcoran, Kings County, California, must be filed in the Fresno Division of the United
14 States District Court. L.R. 120(d)." ECF No. 101 at n.2. This court is unable to address
15 plaintiff's unrelated allegations of assault that did not occur within this district.

16 Accordingly, IT IS HEREBY ORDERED that plaintiff's January 8, 2014 motion (ECF
17 No. 110) is denied.

18 Dated: January 17, 2014

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20 dean1355.ord(3)


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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