UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE B. ORTIZ,

Plaintiff,

v.

J. REYNOLDS, et al.,

Defendants.

No. 2:10-cv-1380-MCE-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Trial is scheduled for November 14, 2016. Plaintiff has informed the court on several occasions that he does not have access to his legal property and alleges that authorities are repeatedly transferring him in the run-up to trial to hinder his ability to prepare his case. ECF Nos. 136, 140. In light of those allegations, the court ordered defense counsel to inquire into the status of plaintiff's access to his legal property and any institutional plans to transfer plaintiff between now and the trial date. ECF No. 141.

Defense counsel has complied and informed the court that plaintiff was transferred to Pleasant Valley State Prison (PVSP) on July 7, 2016. ECF No. 142 at 2. The litigation coordinator informed counsel that plaintiff was then provided with his property, but it was later learned that additional property belonging to plaintiff was not provided to him until August 4, 2016. *Id.* Counsel called plaintiff to see what additional property he believed he was missing,

and plaintiff told him he needed some documents he had filed in 2013. *Id.* Counsel sent plaintiff all of his 2013 filings on August 17, 2013. *Id.*

Counsel further informs that plaintiff has been recommended for transfer because PVSP is a Level-3 institution and plaintiff's custody classification is Level-4. *Id.* The recommendation is pending review by CDCR staff and it is unknown when that review will take place. *Id.*

As it appears that plaintiff has his legal property at the present time, the court will allow the case to proceed to trial as scheduled. Plaintiff has been given various extensions of time to file his objections to the pretrial order; as of yet, no objections have been received. Accordingly, it is hereby ORDERED that:

1. Plaintiff shall file any objections to the pretrial order on or before September 16, 2016. As the case is nearing the trial date, no further extensions of time will be given to file objections absent extraordinary circumstances. Plaintiff is not obligated to file objections.
2. The parties shall notify the court immediately of any institutional decision to transfer plaintiff prior to the trial date.

So ordered.

DATED: August 24, 2016.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE