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

VINCENTE SOLOMON,

Plaintiff,

No. CIV S-10-2103 WBS GGH P

vs.

J. NEGRETE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se who seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff has filed another request for an emergency transfer, but there is no complaint or amended complaint pending in this case at this time. Plaintiff identifies the date of the writing of this latest request within the document (docket # 20) as May 5, 2011, although this request was not filed until May 12, 2011. Therefore, on the face of it, before writing this latest request, it appears, at least at the outset of this document, that plaintiff could not have received this court’s order, filed on May 3, 2011, striking plaintiff’s two separate first amended complaints filed on the same date, granting plaintiff further leave to amend and construing plaintiff’s April 25, 2011, request for an emergency transfer as a motion for preliminary injunctive relief which was denied without prejudice to the filing of an appropriately supported affidavit seeking such relief, if plaintiff filed an amended complaint alleging colorable claims

1 against defendants within the court's jurisdiction. The pending request attaches as an exhibit the
2 earlier request for an emergency transfer that has been addressed in the May 3, 2011, order. This
3 request for an emergency transfer therefore appears to be duplicative and will be vacated.

4 Plaintiff, however, later appends a document that indicates he received the May 3,
5 2011, order at some point and the certificate of service indicates plaintiff submitted this pending
6 request for mailing on May 8, 2011. In that portion of the document, plaintiff complains that he
7 will be unable to respond to the order due to lack of paper supplies, etc. See Request, p. 35.
8 However, this does not explain how plaintiff is able to keep filing documents, including this one,
9 in this action. If plaintiff is being completely foreclosed from access to his legal property and not
10 allowed to make any copies of legal documents to be filed in this case (although it does appear
11 that he was able to duplicate his prior request for an emergency transfer), plaintiff must clarify
12 his efforts to obtain the materials he needs and must specifically name the individual or
13 individuals responsible for depriving him of access to all of his legal property and legal supplies
14 and how and when any such persons so deprive him, and he must do so in a declaration under
15 penalty of perjury with any supporting exhibits. At this time, however, plaintiff's amended
16 complaint remains due in accordance with the order, filed on May 3, 2011.

17 Accordingly, IT IS ORDERED that:

- 18 1. Plaintiff's request for an emergency transfer, filed on May 12, 2011 (docket #
19 22), is vacated as duplicative of the request made on April 25, 2011 (docket # 20);
- 20 2. Plaintiff must comply with the order, filed on May 3, 2011 (docket #21); and
- 21 3. If plaintiff is significantly hindered from compliance with this court's prior
22 order, plaintiff must set forth the circumstances, as set forth above, in the form of a well-
23 supported affidavit or declaration.

24 DATED: May 19, 2011

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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