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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON E. MORRIS,
Plaintiff,
v.
A.J.R. BRADFORD, et al.,
Defendants.

No. 2:11-cv-1171 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On November 1, 2016, the undersigned informed plaintiff that he had thirty days to file an opposition to defendants’ January 14, 2016 motion for summary judgment. (ECF No. 82.)

On November 18, 2016, plaintiff filed a “declaration” in which he explains that he has been temporarily transferred to the Salinas Valley Psychiatric Program and was not permitted to bring any of his legal property with him. Plaintiff states that he will not have access to his legal property until he returns to California State Prison-Sacramento (“CSP-Sacramento”). (ECF No. 83.)


When the court considered plaintiff’s prior motion for a stay, it was unaware that plaintiff would not be permitted access to his legal materials until he returned to CSP-Sacramento. Based on this new information, the undersigned is inclined to recommend a stay of these proceedings

1 until plaintiff is returned to CSP-Sacramento. Therefore, the court will construe plaintiff's
2 "Declaration" filed November 18, 2016 as a request for reconsideration of the court's November
3 1, 2016 order and permit defendants an opportunity to respond.

4 IT IS HEREBY ORDERED as follows:

- 5 1. Within fourteen days of the date of this order, defendants shall file any opposition to
6 plaintiff's November 18, 2016 Declaration, construed as a request for reconsideration;
7 and
- 8 2. Plaintiff may file a reply to defendants' opposition within fourteen days of service of
9 the opposition.

10 Dated: December 12, 2016

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14 DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE

14 DLB:9
15 DLB1/prisoner-civil rights/morr1171.recon

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