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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

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On January 14, 2016, defendants filed a motion for summary judgment. (ECF No. 70.) On July 13, 2016, before he had filed an opposition to the motion, plaintiff moved to stay this case based on his transfer to a prison where he did not have access to his legal materials. (ECF No. 76.) On February 14, 2017, the court stayed these proceedings until plaintiff regained access to his legal property. (ECF No. 87.)

On January 17, 2018, defendants informed the court that plaintiff had been transferred to a prison where he should be permitted access to his legal materials. Defendants moved to re-open this case. (ECF No. 88.) In a status report filed February 5, 2018, plaintiff informed the court that he had been transferred to California State Prison-Los Angeles (“CSP-LAC”) but did not have his legal property. (ECF No. 90.) Plaintiff stated that he had been told by prison officials that his legal property was lost.

1 In an order filed February 22, 2018, the court ordered counsel for defendants to contact
2 the litigation coordinators at CSP-LAC, and if necessary, California State Prison-Sacramento
3 (“CSP-Sac”) to attempt to determine the whereabouts of plaintiff’s legal materials. (ECF No. 91.)
4 The court also ordered defendants’ counsel to file a response detailing their findings.

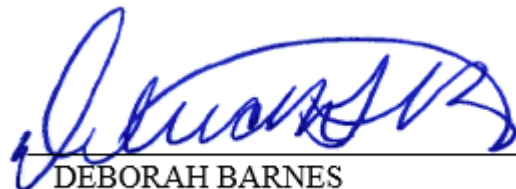
5 On March 16, 2018, defendants’ counsel informed the court that most of plaintiff’s legal
6 materials had been returned to him. (ECF No. 92.) However, those materials apparently did not
7 include the legal materials from this proceeding. Defendants were ordered to provide plaintiff
8 copies of the documents from this case that may be important to permit plaintiff to proceed with
9 the action. (ECF No. 94.) On April 17, 2018, defendants filed a statement that they have
10 provided plaintiff with copies of those documents. (ECF No. 97.) Defendants ask that the court
11 re-open this case and schedule the remaining briefing on their summary judgment motion.

12 Accordingly, the court will recommend this proceeding be re-opened. If and the district
13 judge adopts that recommendation, this court will schedule the remaining briefing on defendants’
14 motion for summary judgment.

15 Thus, IT IS HEREBY RECOMMENDED that the stay of these proceedings be lifted.

16 These findings and recommendations will be submitted to the United States District Judge
17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
18 after being served with these findings and recommendations, either party may file written
19 objections with the court. The document should be captioned “Objections to Magistrate Judge's
20 Findings and Recommendations.” The parties are advised that failure to file objections within the
21 specified time may result in waiver of the right to appeal the district court’s order. Martinez v.
22 Ylst, 951 F.2d 1153 (9th Cir. 1991).

23 Dated: May 17, 2018

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27 DEBORAH BARNES
28 UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-civil rights/morr1171.lift stay fr