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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ARCEO,
Plaintiff,
v.
SOCORRO SALINAS, et al.,
Defendants.

No. 2:11-cv-02396-KJN P

ORDER

Plaintiff proceeds in forma pauperis and without counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. Following the court’s dismissal of plaintiff’s original complaint,¹ plaintiff filed a First Amended Complaint and supplement (ECF Nos. 12, 13), together with two identical motions for temporary restraining order (ECF Nos. 13, 14).

When plaintiff commenced this action, he was incarcerated at the San Joaquin County Jail. However, review of the “Who’s in Custody” website operated by the San Joaquin County Sheriff’s Office indicates that plaintiff is no longer in custody at the San Joaquin County Jail. See

¹ The court dismissed plaintiff’s original complaint for several reasons, including because plaintiff named defendants at three correctional facilities; conceded his failure to exhaust administrative remedies; failed to state a claim for the deprivation of his personal property; failed to alleged an actual injury in support of his First Amendment denial of access claim; and failed to link specifically-identified defendants and challenged conduct in support of his First Amendment retaliation claim. (See ECF No. 7.)

1 <http://www.sjgov.org/sheriff/wic.htm>.² Moreover, review of the “Inmate Locator” website
2 operated by the California Department of Corrections and Rehabilitation (CDCR) indicates that
3 plaintiff is not in the custody of CDCR. See <http://inmatelocator.cdcr.ca.gov/search.aspx>. Rather,
4 review of the website operated by the California Courts indicates that plaintiff is now at Coalinga
5 State Hospital. See <http://appellatecases.courtinfo.ca.gov/search/case/partiesAndAttorneys.cfm?>
6 However, plaintiff has not filed a notice of change of address with this court, as he is required to
7 under the Local Rules. See Local Rules 182(f); 183(b).

8 Before the court addresses the merits of plaintiff’s First Amended Complaint (which is 92
9 pages in length, including exhibits, and names 14 defendants plus two “Doe” defendants),
10 plaintiff will be required to file a notice of change of address and inform the court whether the
11 matters asserted in his motions for temporary restraining order are now moot. In his motions for
12 temporary restraining order, plaintiff alleges retaliatory actions by jail officials, including denying
13 plaintiff access to legal materials and other restrictions limiting plaintiff’s access to the courts
14 (e.g., limitations on typing, copying and mailing), failing to process plaintiff’s grievances,
15 inciting violence against plaintiff by other inmates, etc. Because it appears that plaintiff is no
16 longer housed at San Joaquin County Jail, these matters are now likely moot.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. Plaintiff shall, within thirty (30) days after service of this order, provide the court with
19 the following:

20 a. Plaintiff’s current mailing address.

21 b. A statement whether plaintiff withdraws his motions for temporary restraining order,
22 OR an explanation how the matters raised in those motions are not now moot.

23 c. A statement whether plaintiff wishes to proceed with this action on the merits, and thus
24 obtain the court’s screening of plaintiff’s First Amended Complaint.

25 ² See Fed. R. Evid. 201 (a court may take judicial notice of facts that are capable of accurate
26 determination by sources whose accuracy cannot reasonably be questioned). See City of
27 Sausalito v. O’Neill, 386 F.3d 1186, 1224 n. 2 (9th Cir. 2004) (“We may take judicial notice of a
28 record of a state agency not subject to reasonable dispute.”); see also MGIC Indem. Co. v.
Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir.
1980) (court may take judicial notice of court records).

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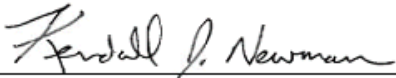
2. Failure of plaintiff to timely respond to this order shall result in a recommendation that this action be dismissed.

3. Officials at the San Joaquin County Jail shall forward this order to plaintiff at his current address.

SO ORDERED.

Dated: March 11, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE