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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2:11-cv-2462 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for law library access filed September 23, 2013. (ECF No. 118.) For the following reasons, this motion is denied.

Plaintiff, who is housed at the R.J. Donovan Correctional Facility (“RJDCF”), alleges that he is being denied law library access. Plaintiff observes that on September 13, 2013, the court issued a scheduling order setting the discovery cut-off for January 3, 2014. Plaintiff observes that the September 13, 2013 scheduling order also stated that all requests for discovery were to be served not later than sixty days prior to that date.

Attached to plaintiff’s motion as exhibits are copies of forms filed by plaintiff requesting law library access. In September 2013, plaintiff submitted a request for law library access. (ECF No. 118 at 6.) On September 17, 2013, Law Librarian E. Simon apparently denied the request by responding that “PLU [Preferred Legal User] status is granted only for 30 days immediately prior

1 to the court deadline.” (Id.)

2 On September 17, 2013, plaintiff submitted a form for PLU status. (Id. at 7.) In this
3 form, plaintiff stated that his court deadline was September 13, 2013, through January 3, 2014,
4 apparently referring to the dates set for conducting discovery discussed in the September 13, 2014
5 scheduling order. (Id.) Plaintiff also wrote in the request that he needed PLU status in order to
6 conduct discovery because his deadline was January 3, 2014. (Id.) In response, Law Librarian E.
7 Simon responded that plaintiff would be eligible for PLU status on December 3, 2013. (Id. at 7.)

8 The scheduling order stated that all discovery requests were to be served no later than
9 sixty days prior to January 3, 2014. Therefore, plaintiff had until November 3, 2013, to serve
10 defendants with discovery requests. Plaintiff’s request for PLU status did not clearly inform Law
11 Librarian E. Simon of the November 3, 2013 deadline. Had plaintiff stated that his deadline was
12 November 3, 2013, the court presumes that plaintiff would have been granted PLU status 30 days
13 prior to this deadline.

14 Because of the confusion regarding the discovery cut-off and plaintiff’s related law library
15 access, the discovery cut-off and dispositive motion filing dates will be re-set. The discovery cut-
16 off date is re-set to February 20, 2014. All requests for discovery shall be served not later than 60
17 days prior to that date, i.e., on or before December 23, 2013. If plaintiff requests PLU status to
18 prepare his discovery requests, he shall inform the Law Librarian that his deadline is December
19 23, 2013. According to the documents submitted by plaintiff in support of the pending motion,
20 plaintiff will be granted PLU status 30 days prior to a court ordered deadline. Therefore,
21 plaintiff’s request for PLU status in order to prepare his discovery requests should be made on or
22 before November 23, 2013.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Plaintiff’s motion for law library access (ECF No. 118) is denied;

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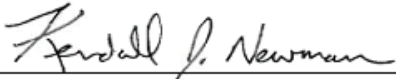
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2. The discovery cut-off date of January 3, 2014, is vacated and re-set to February 20, 2014; the dispositive motion cut-off date of March 28, 2014, is vacated and re-set for April 25, 2014.

Dated: October 21, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE