

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY O’KEEFE,
Plaintiff,
v.
JERRY BROWN, et al.,
Defendants.

No. 2: 11-cv-2659 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 June 6, 2014 motion for law library access. (ECF No. 141.) Plaintiff alleges that he requires additional law library access so that he can prepare his opposition to defendants’ motion to dismiss. (ECF No. 141.) On May 9, 2014, plaintiff filed a motion for a sixty day extension of time to file his opposition. (ECF No. 137.) On May 15, 2014, the undersigned granted this request. (ECF No. 138.)

In the pending motion, plaintiff alleges that the law librarian calculated his Preferred Legal User (“PLU”) status, based on the May 15, 2014 order, to run for thirty days starting June 15, 2014. Plaintiff complains that he was not granted PLU status for the entire sixty days he was granted to file his opposition. Plaintiff also alleges that even with PLU status, which allows him two to four hours of law library access per week, his access to legal materials is limited. Plaintiff alleges that the five computers in the law library are often occupied by other inmates. Plaintiff

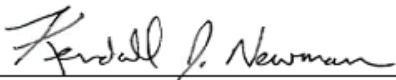
1 also alleges that the law library is constantly closed one to three days a week, when it should be
2 open.

3 Plaintiff signed the pending motion on June 2, 2014, i.e., just over two weeks after he was
4 granted sixty days to file his opposition. Plaintiff does not describe the actual amount of law
5 library access he had during this time. The thirty days plaintiff alleged he would be granted PLU
6 status to prepare his opposition had not yet begun to run when he prepared the pending motion.
7 For these reasons, the undersigned finds that plaintiff's motion for law library access is
8 unsupported and premature.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for law library access
10 (ECF No. 141) is denied.

11 Dated: June 25, 2014

12
13 Ok2659.11


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE