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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH DUANE ARLINE, JR.,  
Plaintiff,  
v.  
R. GOWER, et al.,  
Defendants.

No. 2:11-cv-3414 WBS KJN P

ORDER

Plaintiff is a state prisoner, presently housed at High Desert State Prison, Susanville (“HDSP”), proceeding without counsel. Plaintiff filed a motion for preliminary injunction seeking access to his legal materials. Plaintiff states, under penalty of perjury, that he was denied legal material after his request for documents sent into the law library received no reply, and plaintiff has filed a prison grievance regarding the denial of access to his legal materials. (ECF No. 46 at 7.)

On November 1, 2013, defendants filed a motion for summary judgment. Pursuant to Local Rule 230(l), plaintiff’s opposition was due November 22, 2013. As plaintiff noted in his pending motion, he cannot file an opposition without benefit of his legal materials. Moreover, this court cannot rule on defendants’ motion until plaintiff is able to oppose the motion. Although plaintiff is housed in administrative segregation, he is entitled to access his legal materials, particularly to oppose the pending motion for summary judgment. If necessary, plaintiff can be

1 placed in a room with his legal materials. Therefore, defendants are ordered to respond to  
2 plaintiff's motion for injunctive relief, and shall include in their response a statement as to  
3 plaintiff's access to his legal materials, and his access to the law library, or, in the alternative, his  
4 ability to obtain requested documents through the paging system. Plaintiff is granted an extension  
5 of time to file an opposition to the motion for summary judgment.

6 Accordingly, IT IS HEREBY ORDERED that:


7 1. Within fourteen days from the date of this order, defendants shall respond to plaintiff's  
8 motion for injunctive relief, as set forth above; plaintiff's reply is due seven days thereafter;

9 2. Plaintiff is granted sixty days from the date of this order in which to file an opposition  
10 to the motion for summary judgment; and

11 3. The Clerk of the Court shall send plaintiff the forms for filing a civil rights action and  
12 application to proceed in forma pauperis by a prisoner.

13 Dated: December 3, 2013

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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