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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON E. MORRIS,
Plaintiff,
v.
NANGALAMA, et al.,
Defendants.

No. 2:12-cv-1202 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. On November 16, 2016, the parties were directed to file status reports. On December 14, 2016, defendants filed a status report confirming that on August 24, 2016, plaintiff was transferred to a mental health crisis bed at the Department of State Hospitals (“DSH”) at Salinas Valley State Prison in Soledad, California. (ECF No. 101 at 2.) Plaintiff has not had, and currently does not have, access to his legal materials. (Id.) The litigation coordinator at California State Prison, Sacramento (“CSP-SAC”), confirmed that plaintiff’s legal property will not be returned to plaintiff until he is discharged from the DSH and returns to CSP-SAC. (ECF No. 101-1 at 2.) It is unknown when plaintiff will be returned to CSP-SAC. (ECF No. 101 at 2.)

Given plaintiff’s transfer to a mental health crisis bed without benefit of his legal materials, plaintiff is not in a position to oppose defendants’ motion for summary judgment, and it is unclear when plaintiff will be returned to CSP-SAC. Good cause appearing, this action is

1 stayed for ninety days. Any party may file a motion to lift the stay upon confirming that plaintiff
2 has been released from DSH and returned to CSP-SAC or other CDCR custody.

3 Defendants' motion for summary judgment is denied without prejudice to its renewal.
4 Defendants will not be required to re-file the entirety of their motion, but may simply re-notice
5 the motion. However, defendants may not re-notice the motion until after the stay of this action
6 has been lifted, and the record makes clear that plaintiff has been returned to CSP-SAC and is in
7 possession of his legal materials.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Defendants' motion for summary judgment (ECF No. 97) is denied without prejudice;
10 and
11 2. This action is stayed for ninety days. The Clerk of the Court shall administratively
12 terminate this action.

13 Dated: January 5, 2017

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/morr1202.stay

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE