1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	SHERMAN D. MANNING,	No. 2:12-cv-2440 MCE AC P
12	Plaintiff,	
13	v.	<u>ORDER</u>
14	M. BUNNELL, et al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding pro se who seeks relief pursuant to 42 U.S.C. §	
18	1983. By order filed on July 14, 2014, the district judge denied plaintiff's multiple motions for	
19	reconsideration of the order of the undersigned permitting plaintiff's counsel to withdraw and	
20	denying plaintiff's request for the appointment of new counsel. See Order at ECF No. 128.	
21	Nevertheless, plaintiff has filed a letter asking, once again, that the court reconsider the denial of	
22	appointment of counsel. See letter filed July 16, 2014, ECF No. 130. Plaintiff has been	
23	cautioned that frivolous filings in this matter will be disregarded and the court deems this	
24	repeated request frivolous. See Order at ECF No. 127.	
25	On the other hand, plaintiff also writes that he is "about to be thrown in the hole." ECF	
26	No. 130. He appears to be quite concerned that he will have no access to his legal mail or	
27	property in administrative segregation and asserts that he is bi-polar and has a history of	
28	decompensating when in ad seg. Id. He con-	tends that on July 10, 2014 defendant Stratton
		1

1	"assured" him that when plaintiff's cellmate leaves (on July 15, 2014), he will be "set up" with a	
2	cellmate who will either rape him or accuse plaintiff of rape. Id. Defendant Stratton is also	
3	alleged to have told plaintiff that when he goes from "the hole" to "suicide," his legal mail will be	
4	stolen, he will have no telephone access and "we" will cause the instant case to be dismissed. Id.	
5	Plaintiff then segues into concerns that he cannot reach his ill father if he has no phone access.	
6	Plaintiff indicates that he has filed an inmate appeal.	
7	The court will require a response from defendant Stratton regarding plaintiff's allegations	
8	against him. In addition, if plaintiff is to be confined in ad seg, defendants must inform the court	
9	that they have ascertained that plaintiff will be provided the requisite access to his legal mail and	
10	property to be able to proceed with this case.	
11	Accordingly, IT IS ORDERED that:	
12	1. Plaintiff's renewed request for reconsideration of this court's order denying him	
13	appointment of counsel is deemed frivolous and is disregarded;	
14	2. Defendant Stratton is directed, within fourteen (14) days, to provide a response to	
15	plaintiff's allegations at ECF No. 130; and	
16	3. Defendants must inform the court within 14 days about the access to his legal mail and	
17	property that this pro se plaintiff will be provided for him to proceed in this case.	
18		
19	Dated: July 18, 2014	
20	allon Clane	
21	ALLISON CLAIRE UNITED STATES MAGISTRATE JUDGE	
22		
23		
24		
25		
26		
27		
28		
	2	