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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER HOWARD WHITE,  
Plaintiff,  
v.  
SMYERS, et al.,  
Defendants.

No. 2:12-cv-2868 MCE AC P

ORDER

Plaintiff is a state prisoner who proceeds pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. By letter written August 28, 2016, plaintiff informed the court he was transferred to California State Prison-Richard J. Donovan (CSP-RJD). ECF No. 188. Plaintiff also informs the court that he anticipates being released from prison in approximately 18 weeks. ECF No. 194 at 2. Presently pending is plaintiff’s motion for a court order directing CDCR to deliver to plaintiff all of his legal materials. ECF No. 194. By this order, the court requests the assistance of the Deputy California Attorney General assigned this case to facilitate the delivery of plaintiff’s legal materials,<sup>1</sup> and extends recently-imposed deadlines.

<sup>1</sup> Defendants are represented by three separate attorneys. Defendant Miranda is represented by Mr. Thomas Cregger; defendant Pomazal is represented by Mr. Noah Blechman; and defendants Lankford, Rofling, Mayes, Schmidt, Lee and Swingle are now represented by Deputy Attorney General Ms. Kelli Marie Hammond.

1 On August 23, 2016, this court issued an order directing defendants to schedule the final  
2 session of plaintiff's deposition. See ECF No. 189. The court set a schedule for arranging and  
3 conducting plaintiff's deposition and for so informing the court. Id. This order sets new  
4 guidelines and dates.

5 Also on August 23, 2016, this court issued an order and findings and recommendations  
6 which denied plaintiff's requests to stay this action and recommended the denial of plaintiff's  
7 motion for preliminary injunctive relief. See ECF No. 190. The court set a 14-day period within  
8 which the parties could file objections to the findings and recommendations. Id. This order  
9 extends that deadline to 14 days after the Clerk of Court, on September 8, 2016, re-served the  
10 findings and recommendations on plaintiff at his current address. Because the findings and  
11 recommendations are very detailed concerning the factual matters addressed therein, and clearly  
12 sets forth the applicable legal standards, plaintiff does not require access to his legal materials to  
13 prepare and file objections.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. On or before September 22, 2016, any party may file and serve objections to the  
16 findings and recommendations filed August 23, 2016 (ECF No. 190); no further extensions of  
17 time will be granted.

18 2. Plaintiff's motion filed September 9, 2016, ECF No. 194, is granted as follows.

19 3. Deputy California Attorney General Ms. Hammond is requested to do the following:

20 a. Within seven (7) days after the filing date of this order: (i) contact the CSP-  
21 RJD Litigation Coordinator and ascertain when plaintiff will be in possession of all his legal  
22 materials; and (ii) file and serve a statement so informing the court.


23 b. Within fourteen (14) days after the filing date of this order: (i) ascertain from  
24 each defense counsel the earliest available dates when all attorneys will be available to conduct  
25 and conclude plaintiff's deposition;<sup>2</sup> (ii) schedule with the CSP-RJD Litigation Coordinator an

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27 <sup>2</sup> As earlier ruled by this court, although plaintiff's deposition should be scheduled for an entire  
28 day, the period of time for questioning and answering is limited to a total of five-and-one-half  
hours, as previously estimated by defense counsel. See ECF No. 189 at 2-3 (quoting ECF No.  
153 at 5-8).

1 agreed-upon date to conduct and conclude plaintiff's deposition, when plaintiff will be in  
2 possession of all his legal materials and appropriate arrangements can be made to accommodate  
3 plaintiff's physical limitations and pain symptoms; and (iii) file and serve a statement so  
4 informing plaintiff and the court.

5 SO ORDERED.

6 DATED: September 13, 2016

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9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
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