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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNARDOS GRAY, JR.,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:12-cv-3006 KJM AC P

ORDER

Plaintiff is a county prisoner, and former state prisoner, proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Currently before the court are plaintiff’s motion for a court order to obtain pro per status at the Sacramento County Jail (ECF No. 108) and request for an extension of his time to file an opposition to defendants’ motion for summary judgment (ECF No. 109).

In his motion for a court order, plaintiff alleges that the Sacramento County Jail does not provide mandatory law library access to use the copy machine and legal supplies unless there is a court order granting pro per status. ECF No. 108 at 4. ¶ 7. He further alleges that he has been granted pro per status in a state criminal proceeding, but that he cannot use that status for any other cases, and that pro per status affords an inmate “unlimited supplies for court filing and weekly schedule[d] access to the law library privileges.” *Id.* at 4-5, ¶¶ 8, 10. He requests that the court serve an order on the Sacramento County Jail granting him “pro per status and privileges,

1 included with four hours a week access to the law library.” Id. at 1. In his motion for extension,
2 plaintiff states that his opposition to defendants’ motion for summary judgment is complete, but
3 that he needs additional time to hand-copy the documents. ECF No. 109 at 2, ¶ 3. He also states
4 that for cases where he has not been granted pro per status, he is able to go to the law library once
5 a week on Tuesdays and is given twenty-five sheets of paper. Id. at ¶ 6.

6 To the extent plaintiff is requesting that the court order the Sacramento County Jail to
7 provide him with a specific level of access to the law library and to legal supplies, this request
8 will be denied because the Sacramento County Jail is not a party to this case and is therefore not
9 within the court’s jurisdiction. The request will also be denied because plaintiff’s motion for
10 extension demonstrates that he is not being denied access. However, the motion for court order is
11 granted to the extent the court certifies that plaintiff is proceeding pro per and in forma pauperis
12 in this federal civil rights proceeding. A copy of this order will be served on the Sacramento
13 County Sheriff so that plaintiff may be afforded access to the law library and legal supplies in
14 accordance with the jail’s policies. Plaintiff’s request for an extension of time to file his
15 opposition to defendants’ motion for summary judgment will also be granted.

16 Plaintiff indicates in his motion for court order that he plans to file his own motion for
17 summary judgment. ECF No. 108 at 1-2, 4, ¶ 5. The deadline for filing motions for summary
18 judgment was February 19, 2015. ECF No. 43 at 5. Defendants originally filed a summary-
19 judgment motion by that date (ECF No. 64) while plaintiff did not. Because there were
20 unresolved discovery issues that had the potential to impact plaintiff’s ability to defend against
21 the summary-judgment motion, defendants’ motion was vacated and they were given an
22 opportunity to re-file the motion once the discovery disputes were resolved. ECF Nos. 89, 99. In
23 allowing defendants to re-file their motion, the court did not grant plaintiff leave to also file a
24 motion for summary judgment. Id. Plaintiff is therefore advised that any motion for summary
25 judgment that he may file will be disregarded as untimely. In the event that plaintiff has already
26 incorporated his motion for summary judgment into his opposition to defendants’ motion, it will
27 be treated as part of the opposition.

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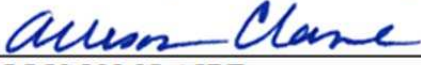
Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for a court order (ECF No. 108) is granted to the extent the court certifies that plaintiff is proceeding pro per and in forma pauperis in this federal civil rights proceeding and will serve this order on the Sheriff of Sacramento County. It is denied in all other respects.

2. The Clerk of the Court is directed to serve a copy of this order on Sheriff of Sacramento County, 651 I Street, Sacramento, California 95814.

3. Plaintiff's motion for extension of time (ECF No. 109) is granted and plaintiff shall have seven days from the filing of this order to file and serve his opposition to defendants' motion for summary judgment.

DATED: March 24, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE