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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

Currently before the court is plaintiff’s motion for an emergency preliminary injunction or protective order. ECF No. 90.


Plaintiff alleges that his legal property is in the possession of prison officials at Pelican Bay State Prison and that they are intentionally withholding it from him so that he cannot comply with his court deadlines. Id. However, plaintiff also indicates that he will be released either into the community or to the custody of the Sacramento County Jail (id. at 7) and the Inmate Locator website operated by the California Department of Corrections and Rehabilitation (CDCR) indicates that plaintiff is no longer in CDCR custody.¹ Therefore, defendants will be required to file a notice with the court advising whether the CDCR is still in possession of plaintiff’s legal

¹ See Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned); see also City of Sausalito v. O’Neill, 386 F.3d 1186, 1224 n.2 (9th Cir. 2004) (“We may take judicial notice of a record of a state agency not subject to reasonable dispute.”).

1 property.

2 Accordingly IT IS HEREBY ORDERED that within ten days of the filing of this order,
3 defendants shall file a notice with the court advising whether the CDCR is still in possession of
4 plaintiff's legal property. If the CDCR is still in possession of plaintiff's property, defendants
5 shall also advise when plaintiff's property is expected to be forwarded to plaintiff. If the CDCR
6 is no longer in possession of plaintiff's legal property, defendants shall advise when plaintiff's
7 legal property was released.

8 DATED: September 8, 2015

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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