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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WAYNE MORRIS,

12 Plaintiff,

13 v.

14 ELIYA MOGGHADAM, M.D.,

15 Defendant.
16

No. 2:13-cv-0805 KJM KJN P

ORDER

17 Plaintiff is a state prisoner proceeding without counsel. Plaintiff has filed his second
18 request for an extension of time to file an opposition to defendant's motion for summary
19 judgment and motion to dismiss. Plaintiff states that he was working on his oppositions and had
20 sought the assistance of another inmate, Charles Parks, to type them up. However, on September
21 5, 2014, the inmate was placed in administrative segregation and plaintiff's only copy of the
22 motion to dismiss, plaintiff's opposition to the motion to dismiss, along with his notes, were
23 packed into Mr. Parks' legal materials and stored. Plaintiff states that correctional officers would
24 not assist plaintiff in retrieving his notes from Mr. Parks' property. Plaintiff seeks a replacement
25 copy of the motion to dismiss, an extension of time to file his oppositions, and an order requiring
26 prison officials at Salinas Valley State Prison to retrieve plaintiff's opposition and notes from
27 Charles Parks' property.


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1 In the instant action, plaintiff challenges actions that occurred at the California State
2 Prison in Sacramento, where defendant is employed. Plaintiff seeks a court order against
3 individuals who are not parties to this action. As a general rule this court is unable to issue an
4 order against individuals who are not parties to a suit pending before it. Zenith Radio Corp. v.
5 Hazeltine Research, Inc., 395 U.S. 100 (1969). However, the court cannot resolve the pending
6 motions until plaintiff is able to file his oppositions. Therefore, the court will partially grant
7 plaintiff's request. Plaintiff is granted an extension of time to oppose the pending motions, and
8 the Clerk of the Court is directed to send plaintiff a copy of defendant's motion to dismiss. The
9 undersigned asks the litigation coordinator at Salinas Valley State Prison to assist plaintiff in any
10 way possible to obtain his opposition to the motion to dismiss and plaintiff's notes from inmate
11 Parks' property. Plaintiff is advised that his oppositions do not have to be typewritten.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's request for an extension of time (ECF No. 26) is granted;
- 14 2. Plaintiff is granted thirty days from the date of this order in which to file and serve his
15 oppositions to defendant's motion for summary judgment and motion to dismiss;
- 16 3. The undersigned requests that the Litigation Coordinator at Salinas Valley State Prison
17 assist plaintiff in obtaining plaintiff's opposition and notes from inmate Charles Parks' property;
18 and
- 19 4. The Clerk of the Court is directed to:
 - 20 a. Send plaintiff a copy of defendant's July 30, 2014 motion to dismiss (ECF Nos.
21 23 and 23-1); and
 - 22 b. Send a copy of this order to the Litigation Coordinator at Salinas Valley State
23 Prison, P.O. Box 1020, Soledad, CA 93960-1020.

24 Dated: September 19, 2014

25 
26 KENDALL J. NEWMAN
27 UNITED STATES MAGISTRATE JUDGE
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26 morr0805.36sec(2)