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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COLEMAN,  
  
  Plaintiff,  
  
  v.  
  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
  
  Defendants.

No. 2:13-cv-1021 JAM KJN P

ORDER

Plaintiff is a state prisoner proceeding pro se in an action brought under 42 U.S.C. § 1983. Following resolution of defendants’ motion for summary judgment on administrative exhaustion grounds, this case is proceeding solely on plaintiff’s equal protection claims under the Fourteenth Amendment against defendants Virga and DeRoco. (ECF No. 67.) On July 22, 2016, plaintiff filed a request for appointment of counsel, in which he explained the deterioration of his mental health, his attempted suicide, his subsequent placement into a mental health crisis bed on July 1, 2016, followed by his transfer to CSP-Lancaster and placement in the Enhanced Outpatient Program (“EOP”) on July 13, 2016. Plaintiff states that he believes that his personal and legal property has been “intentionally lost or destroyed by SAC’s officials in retaliation,” and that “[n]o information whatsoever about the whereabouts of [his] property is being made available to [him].” (ECF No. 101 at 4.) Plaintiff also states that he currently cannot attend the law library.


1 The court is aware that inmates are not permitted their legal materials while housed in a  
2 mental health crisis bed. However, now that plaintiff has been assigned to the EOP level of care  
3 and is housed at CSP-Lancaster, it appears that plaintiff should be provided his property,  
4 including his legal materials. Defendants will be ordered to provide the court with the status of  
5 plaintiff's access to his legal materials, as well as his ability to attend the law library at CSP-  
6 Lancaster while he is assigned to the EOP level of care.

7 Because plaintiff does not have possession of his legal materials at this time, and his  
8 motion to compel discovery is pending, defendants' motion to modify the dispositive motion  
9 deadline is partially granted. The dispositive motion deadline is vacated pending further order of  
10 the court.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Within fourteen days from the date of this order, defendants shall provide the court  
13 with the status of plaintiff's access to his legal materials and his ability to attend the law library;
- 14 2. Defendants' motion to modify the dispositive motion deadline (ECF No. 98) is  
15 partially granted; and
- 16 3. The July 15, 2016 dispositive motion deadline is vacated pending further order of the  
17 court.

18 Dated: August 2, 2016

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE

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