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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM D. FARLEY,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:13-cv-1751 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s May 7, 2015 and June 15, 2015 motions for injunctive relief. (ECF Nos. 102, 106.) For the following reasons, defendants are directed to file a status report addressing plaintiff’s housing status following his transfer to California State Prison-Sacramento (“CSP-Sac”).

This action is proceeding on plaintiff’s amended complaint filed November 13, 2013. (ECF No. 11.) All alleged events occurred at CSP-Sac, where defendants are located. Plaintiff alleges that he was sexually battered by defendants Delaney, Higgins, May, Gonzales and Scoggins. Plaintiff also alleges that he was severely beaten in building B-3 less than an hour after defendant Meiers ordered him to go there.

Plaintiff is currently housed at California State Prison-Corcoran (“Corcoran”). In the motion for injunctive relief filed May 7, 2015, plaintiff alleged that on April 30, 2015, his doctors

1 at Corcoran reclassified him as Enhanced Outpatient (“EOP”) status. Plaintiff alleged that the
2 only prison he could be transferred to with this new classification was CSP-Sac. Plaintiff alleged
3 that his life would be in danger were he housed at CSP-Sac, where defendants are located.

4 In the motion for injunctive relief filed June 15, 2015, plaintiff alleged that defendant
5 Gonzales had been transferred to Corcoran. Plaintiff alleged that defendant Gonzales was now in
6 charge of the building and officers that worked in the building where plaintiff was housed.

7 On June 18, 2015, Corcoran Warden Davey filed a response to plaintiff’s May 7, 2015
8 motion for injunctive relief. (ECF No. 108.) According to Warden Davey, on June 18, 2015,
9 plaintiff was endorsed for transfer to the Psychiatric Services Unit at Pelican Bay State Prison
10 (“PBSP”).

11 On July 1, 2015, Corcoran Warden Davey filed a response to plaintiff’s June 15, 2015
12 motion for injunctive relief. (ECF No. 112.) According to Warden Davey, there is no person
13 employed at Corcoran by the name of David Gonzales who is the defendant in this suit.
14 Defendant Gonzales remains employed at CSP-Sac.

15 In his July 1, 2015 response, Warden Davey also states that before plaintiff’s transfer to
16 PBSP could be completed, the endorsement was required to be reviewed by a Classification Staff
17 Representative (“CSR”), who had the option of either endorsing or overriding the committee’s
18 action. On June 25, 2015, plaintiff’s transfer was reviewed by a CSR. The CSR overrode the
19 endorsement of the classification committee, and instead endorsed plaintiff for transfer to the
20 Psychiatric Services Unit at CSP-Sac.

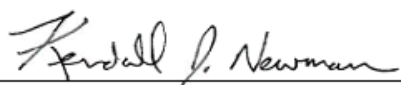
21 Warden Davey further states that plaintiff is currently on single cell and walk alone yard.
22 The CSR noted that plaintiff had enemy concerns at CSP-Sac, and advised receiving staff to
23 review and house plaintiff with caution upon transfer. Warden Davey also states that upon his
24 arrival at CSP-Sac, plaintiff will appear for an initial classification committee hearing. At that
25 time, the committee will consider where at CSP-Sac plaintiff may be housed, taking into account
26 plaintiff’s mental health status, safety and enemy concerns, classification score, disciplinary
27 history and any other relevant case factors. Warden Davey states that plaintiff will be transferred
28 to CSP-Sac sometime during the week of July 6, 2015.

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Defendants are directed to file a status report addressing whether plaintiff will be housed in a section of CSP-Sac where he will have contact with any defendant. Defendants shall file this status report on or before July 17, 2015. If defendants do not know where in CSP-Sac plaintiff will be housed by that date, they shall notify the court.

Accordingly, IT IS HEREBY ORDERED that on or before July 17, 2015, defendants shall file the status report discussed above.

Dated: July 6, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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