UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

C. DAVIS,

Defendant.

No. 2:14-cv-2073 MCE AC P

ORDER

Plaintiff has filed a motion for extension of time to file an opposition to defendant's motion to dismiss, filed June 22, 2015. Good cause appearing, the motion will be granted.

Plaintiff has also filed several additional matters. These filings reflect that plaintiff was recently transferred from High Desert State Prison (HDSP) to California State Prison-Sacramento (CSP-SAC); the Inmate Locator website operated by the California Department of Corrections and Rehabilitation (CDCR) confirms plaintiff's transfer to CSP-SAC.[1] However, plaintiff has not filed a notice of change of address, as required by Local Rules 182(f), and 183(b); failure to do so may result in the dismissal of an action. In the instant case, the Clerk of Court will be directed to note plaintiff's address change.

[1] See http://inmatelocator.cdcr.ca.gov/. This Court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201; 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.").

In addition to his requested extension of time, plaintiff seeks: (1) an order compelling HDSP to provide plaintiff with "the Final Copies of RVR Log # FB-15-03-023 that he may be released from [the] Administrative Segregation Unit [ASU] of [CSP-]SAC (also designated a "copy of the completed CDC Form 115"), ECF No. 30; (2) an order directing that plaintiff, a mental health patient, be released from the ASU under the authority of Coleman v. Brown, Case No. 2:90-cv-00520 KJM DAD P, ECF No. 31; (3) an order directing HDSP and CDCR to reverse its finding of guilt on the above-cited RVR, based on alleged due process violations, ECF No. 32; and (4) an order directing CSP-SAC to provide plaintiff with additional writing paper and additional pages of legal cases, and permit plaintiff to photocopy more than 50 pages of his prepared legal documents, ECF No. 34. Plaintiff states that he is "at this time litigating more than three cases at once." Id. at 2.

As plaintiff acknowledges, the court previously directed the Office of the California Attorney General to investigate plaintiff's allegations that he was, inter alia, being denied access to his legal materials. See ECF No. 21 (court's initial order); ECF No. 26 (response filed by Attorney General's office); and ECF No. 27 (court's order denying plaintiff's requests for extraordinary relief). Plaintiff was specifically admonished to refrain from filing further extraneous matters in this action. See ECF No. 27 at 4 ("Further motions seeking extraordinary relief will be viewed with disfavor.").

Plaintiff's present challenges to the procedures utilized and decision reached in the above-noted RVR, and his claim under Coleman, are outside the subject matter of this litigation, which alleges claims of retaliation and deliberate indifference by HDSP Librarian C. Davis. Nevertheless, plaintiff is entitled to a complete copy of the documents and decision in the subject RVR.

Plaintiff's request for sufficient legal materials to pursue all three of his active cases is also not properly before this court. With the respect to the instant case only, in which plaintiff must prepare an opposition to defendants' 23-page motion to dismiss (including exhibits), the undersigned finds no reasonable grounds for requesting that the CSP-SAC Law Librarian or Litigation Coordinator accord plaintiff greater privileges than are routinely provided, other than

to provide due deference to plaintiff's current 30-day deadline for filing his opposition to defendant's motion to dismiss.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for extension of time, ECF No. 35, is granted.

2. Plaintiff is granted thirty (30) days from the filing date of this order in which to file an opposition to the pending motion to dismiss.

3. Defendant's reply, if any, shall be filed within seven (7) days after service of plaintiff's opposition.

4. Plaintiff's motion, ECF No. 30, for an order compelling production of a complete copy of the documents and final decision in his RVR designated HDSP No. FB-15-03-023, is granted; the Litigation Coordinators at CSP-SAC and HDSP shall obtain and provide plaintiff with these documents within fourteen (14) days after the filing date of his order.

5. Plaintiff's additional motions for extraneous relief, ECF Nos. 31, 32, 24, are denied.

6. The Clerk of Court is directed to: (1) change plaintiff's address of record to California State Prison –Sacramento; and (2) serve a copy of this order on plaintiff and on the Litigation Coordinators at CSP-SAC and HDSP.]

DATED: July 23, 2015

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE