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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD LEE CANADA,
Plaintiff,
v.
HAMKAR,
Defendant.

No. 2:14-cv-2990 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42 U.S.C. § 1983. Defendant’s motion for summary judgment, filed September 20, 2016, remains pending. Plaintiff was transferred to the Department of State Hospitals at Vacaville without his legal materials. Plaintiff claims that “it should not be a problem with him having his legal materials in his cell.” (ECF No. 47 at 2.) However, defendant states that plaintiff’s legal materials and property would be retained at Kern Valley State Prison until plaintiff completes his treatment at Vacaville. (ECF No. 44.) In this court’s experience, inmates are often not allowed to have their legal materials while temporarily housed at the Department of State Hospitals.

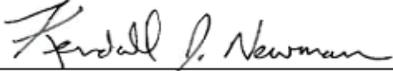
Thus, the record is unclear whether plaintiff is allowed to have legal materials, and if he is, whether there is a possibility that his legal materials may exceed the space allowed where he is presently housed, or whether it is feasible for someone other than plaintiff to determine what portion of the legal materials should be forwarded. Because of the delays incurred, and plaintiff’s

1 current housing, it is also unclear whether the court should stay this action, terminate the motion
2 without prejudice to its renewal, and allow defendant to re-notice the motion once plaintiff is
3 returned to Kern Valley. The court will vacate plaintiff's deadline to oppose the motion in light
4 of his lack of legal materials, and ask defendant to address the issues highlighted by this order.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's deadline to oppose the pending motion for summary judgment is vacated
7 (ECF No. 42); and
- 8 2. Within twenty-one days from the date of this order, defendant shall address the above
9 issues concerning plaintiff's legal materials and the proposed stay.

10 Dated: May 3, 2017

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12 _____
13 KENDALL J. NEWMAN
14 UNITED STATES MAGISTRATE JUDGE

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