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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

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

ORDER

Plaintiff is a state prisoner, proceeding pro se. On May 3, 2017, defendant was directed to file a status report addressing the status of plaintiff’s legal materials. On May 4, 2017, defendant filed a status report confirming plaintiff’s temporary housing in the Department of State Hospitals in Vacaville (“CMF/DSH”), and plaintiff’s lack of legal materials. Because clinical staff determine when inmates can be discharged and returned to their permanent correctional institution, it is unknown when plaintiff will be discharged from CMF/DSH and returned to Kern Valley State Prison. (ECF No. 49 at 2.) Defendant agrees that this action should be temporarily stayed until plaintiff is discharged from CMF/DSH and his legal materials are returned to him. The inmate locator website for the California Department of Corrections and Rehabilitation reflects that plaintiff remains housed at CMF/DSH as of June 6, 2017.


Because plaintiff cannot oppose the motion for summary judgment without benefit of his legal materials, and his current temporary housing prevents his access to such materials, this

1 action is temporarily stayed. Plaintiff shall file a request to lift the stay once he has been released
2 from CMF/DSH custody and his legal materials have been returned to him. If plaintiff fails to
3 file such request, and plaintiff has been released from CMF/DSH custody, defendant may file a
4 request to lift the stay. Defendant's motion for summary judgment is vacated without prejudice
5 to its renewal by re-notice once the court has confirmed that plaintiff has been released from
6 CMF/DSH and has possession of his legal materials.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendant's motion for summary judgment (ECF No. 25) is vacated without prejudice
9 to its renewal;
- 10 2. This action is temporarily stayed;
- 11 3. Within thirty days from plaintiff's release from CMF/DSH custody and the return of
12 his legal materials, plaintiff shall file a request to lift the stay; if plaintiff fails to file such request,
13 defendant may file a request to lift the stay; and
- 14 4. The Clerk of the Court is directed to administratively terminate this action.

15 Dated: June 7, 2017

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17 _____
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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