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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD J. CRANE,
Plaintiff,
v.
RODRIGUEZ, et al.,
Defendants.

No. 2:15-cv-0208 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On February 18, 2022, plaintiff filed a motion for preliminary injunction. Plaintiff claims that due to COVID-19 and staffing shortages, the law library is closed, and the only way he can obtain photocopies of his opposition to the motions for summary judgment is to send it in a manilla envelope, unsealed without a receipt, which plaintiff contends is unsafe and not secure. As an example, he points to his cellmate’s efforts to obtain copies of a P.C. § 1054.9 motion, which his cellmate did not receive until he wrote several letters to Steven Fama, attorney at the Prison Law Office. And then, ten days after his cellmate sent the request to the law library, the motion and copies were found in an envelope on the ground in front of their cell. Given that this court has informed plaintiff that no additional extensions of time will be granted, plaintiff states that he cannot risk sending his opposition to the law library in an unsealed envelope without a receipt.

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1 On February 25, 2022, defendants Davey, Rodriguez, Probst, Barton, and Robinette
2 (hereafter “group defendants”) filed an opposition to plaintiff’s motion for injunctive relief,
3 stating that plaintiff is able to access the law library through paging to make copies.

4 Plaintiff’s reply to group defendants’ opposition to the motion for injunctive relief is not
5 due until March 10, 2022. However, on February 28, 2022, plaintiff filed a 40-page document
6 responding to the group defendants’ “Separate Statement of Undisputed Facts in Opposition to
7 Summary Judgment for Defendants,” and appended four declarations. (ECF No. 283.) On March
8 3, 2022, plaintiff filed a 21-page document styled, “Plaintiff’s Responses to Defendant Weeks’
9 Separate Statement of Undisputed Material Facts in Opposition to Defendant Weeks’ Motion for
10 Summary Judgment,” and appended three declarations. (ECF No. 286.)

11 In addition, on February 25, 2022, the court received a declaration from inmate Michael
12 A. Reed, but plaintiff has filed nothing to indicate how Reed’s declaration should be considered.
13 Reed’s declaration is not cited in either “separate statement” filed by plaintiff.

14 On March 4, 2022, plaintiff filed a motion for relief from default based on his claim that
15 he has been denied law library access since January 7, 2022, and had to copy and file the
16 documents he did by using old carbon paper. Plaintiff states that on February 28, 2022, he was
17 able to have a gate officer call the law librarian, who said he would try to get plaintiff into the
18 library on March 1 or 4, 2022. Plaintiff did not mention whether he intended to file additional
19 documents in connection with the pending dispositive motions. However, because his filing
20 suggested he would be attending law library on March 1 or 4, an inference is raised that plaintiff
21 does intend to do so.

22 Meanwhile, on March 7, 2022, group defendants filed a motion for extension of time to
23 reply to plaintiff’s response (ECF No. 283).

24 In light of plaintiff’s recent filings, it is unclear whether his filings made to date constitute
25 the entirety of his oppositions to the pending motions for summary judgment, and it remains
26 unclear how he intends inmate Reed’s declaration to be used.¹ Moreover, in light of his motion

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28 ¹ The undersigned recognizes that oppositions and supporting documents should be submitted at
the same time. Local Rule 230(l).

1 for relief from default, it appears he may intend to withdraw his motion for preliminary injunction
2 in light of his subsequent filings.

3 Therefore, plaintiff is provided fourteen days from the date of this order to clarify the
4 following: (a) whether his February 28, 2022, and March 3, 2022 filings are all of the documents
5 he intended to file to oppose the pending motions for summary judgment; if plaintiff did not
6 intend to file anything further, he should so state; (b) how inmate Reed's declaration is to be
7 considered in connection with the pending motions for summary judgment; and (c) whether
8 plaintiff intends to withdraw his motion for injunctive relief. All defendants shall refrain from
9 filing a reply until after plaintiff has responded to this order.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's motion for relief from default (ECF No. 288) is granted; plaintiff's February
12 28, 2022, and March 3, 2022 filings will be considered in connection with the pending motions
13 for summary judgment;


14 2. Within fourteen days from the date of this order, plaintiff shall file a response to this
15 order, as detailed above;

16 3. Group defendants' request for extension of time (ECF No. 287) is partially granted;

17 4. Group defendants and defendant Weeks are granted thirty days from the date plaintiff
18 responds to this order in which to file their replies; and

19 5. The Clerk of the Court is directed to send plaintiff a copy of inmate Michael Reed's
20 declaration (ECF No. 285).

21 Dated: March 8, 2022

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23 _____
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

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