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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC ZACHARY ANDERSON,  
Plaintiff,  
v.  
TIM VIRGA, et al.,  
Defendants.

No. 2:15-cv-01148-KJM-EFB

ORDER

Plaintiff, a state prisoner proceeding pro se, previously brought this civil rights action under 42 U.S.C. § 1983 and now moves for a preliminary injunction to prevent his transfer to High Desert State Prison where he alleges he will be killed by gang members. Mot., ECF No. 92. Plaintiff alleges “there is a *[sic]* active kill order on [plaintiff] & the last time defendants in this suit sent [him] to a yard with them [plaintiff] was the victim of attempted murder.” *Id.* at 1; see also Decl. of Eric Anderson, ECF No. 1 at 5. Although plaintiff alleges he would be transferred on September 27, 2018<sup>1</sup> if an injunction does not issue, he provides a September 24, 2018 notice of classification hearing indicating he is to appear before an institution classification committee “on (or after) 9/27/2018 for review and consideration of . . . Transfer.” *Id.* at 7-8

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<sup>1</sup> Plaintiff’s paper filing was received by the court on September 27, and after scanning was conveyed to the undersigned at 10:04 a.m. on September 28.

1 (emphasis omitted). It is therefore unclear when a decision will actually be made regarding  
2 transfer or when he will be transferred, if at all.

3 In light of plaintiff's serious allegations, the court ORDERS:

4 1. The clerk shall serve this order and plaintiff's motion for preliminary  
5 injunction (ECF No. 92) on Senior Supervising Deputy Attorney General Monica Anderson; and

6 2. Within five calendar days of this order, Ms. Anderson shall respond to the  
7 allegations in the request for a preliminary injunction and provide the court with all available  
8 documents regarding any pending classification or transfer decision.

9 DATED: September 28, 2018.

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13 UNITED STATES DISTRICT JUDGE  
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