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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. HICKS,
Plaintiff,
v.
AFSHIN ARYA, et al.,
Defendants.

No. 2: 16-cv-2465 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s motions for sanctions and copies of documents. (ECF Nos. 81, 88.)

Motion for Sanctions

Plaintiff argues that defendants should be monetarily sanctioned for filing frivolous motions. (ECF No. 81.) Defendants have opposed this motion. (ECF No. 82.)

After reviewing the record, the undersigned finds that sanctions are not warranted. Accordingly, plaintiff’s motion for sanctions is denied.

Motion for Copies

Plaintiff requests that he be provided with a copy of the docket sheet in this action and a copy of all documents filed in this action, free of charge. The background to this request follows herein.

1 Plaintiff alleges that in December 2018, he was threatened with assault by other inmates.
2 In response to this threat, on or around December 20, 2018, plaintiff submitted an emergency
3 grievance requesting placement in administrative segregation for his own safety. On December
4 24, 2018, at 2:30 p.m., plaintiff handed defendant Guzman a note stating that plaintiff wanted to
5 be locked-up because he was about to be stabbed.

6 After receiving no response to his grievance or note, on December 24, 2018, at 7:30 p.m.,
7 plaintiff shoved two shirts under his cell door and set them on fire. Plaintiff hoped that the fire
8 would trigger an alarm and cause him to be removed from his cell. Defendant Guzman came to
9 plaintiff's cell and put out the fire with a fire extinguisher. When other staff arrived, the fire was
10 out. However, plaintiff appears to allege that the staff shot water in his cell with a fire hose, even
11 though the fire was out, resulting in the destruction of his legal property. Plaintiff also alleges
12 that he was assaulted after the incident but later placed in administrative segregation and put up
13 for a transfer based on safety concerns.

14 Attached to plaintiff's motion is a form titled "Administrative Segregation Unit Placement
15 Notice." (ECF No. 88 at 11.) This notice states that on December 24, 2018 plaintiff started a fire
16 in his cell. After the scene was made safe, plaintiff was interviewed and stated that he could no
17 longer program. The form states that Facility D Sergeant Arreola will investigate plaintiff's
18 claims.

19 On January 11, 2019, plaintiff filed a "supplement" to his motion for copies. (ECF No.
20 89.) Attached to this pleading is a rules violation report charging plaintiff with delaying a peace
21 officer in the performance of their duties based on the December 24, 2018 fire in plaintiff's cell.
22 (Id. at 6.) The rules violation report states that the fire caused the medication to be delayed for
23 one hour. The rules violation report does not directly charge plaintiff with starting a fire.

24 The undersigned has separately recommended that plaintiff's motion to file a third
25 amended complaint be granted. Only one of the six defendants named in the proposed third
26 amended complaint have been served. Thus, it does not appear that plaintiff requires access to
27 many of the documents filed before the third amended complaint to prosecute this action.
28 Accordingly, the Clerk of the Court is directed to send plaintiff a copy of his third amended


1 complaint.

2 Normally, the Clerk's Office will provide copies of documents at \$0.50 per page.
3 Accordingly, the undersigned herein directs the Clerk of the Court to send plaintiff a copy of the
4 docket sheet. Plaintiff shall mark any documents he believes he requires to litigate this action on
5 the docket sheet and return the docket sheet to the court. The Clerk of the Court will then
6 calculate the cost of copying the documents plaintiff requests and provide this information to
7 plaintiff.¹ The Clerk of the Court will send plaintiff the requested documents after receiving
8 payment.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's motion for sanctions (ECF No. 81) is denied;
- 11 2. Plaintiff's motion for copies (ECF No. 88) is granted in part;
- 12 3. The Clerk of the Court is directed to send plaintiff a copy of his proposed third
13 amended complaint (ECF No. 73) and a copy of the docket sheet in this action;
- 14 4. Plaintiff may return the docket sheet within thirty days of this order, with the
15 documents he seeks clearly marked next to their entry on the docket.

16 Dated: February 7, 2019

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The undersigned cannot assist plaintiff in recreating or obtaining lost legal property that is not
contained in documents on the court docket.