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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. On February 19, 2019, plaintiff filed a motion for reconsideration of the undersigned’s February 7, 2019 order granting plaintiff’s January 7, 2019 motion for copies. The motion for reconsideration is addressed to the undersigned. For the reasons stated herein, the motion for reconsideration is denied.

In the February 7, 2019 order, the undersigned stated that plaintiff alleged that on December 24, 2018, his legal property was destroyed after prison officials shot water in his cell with a fire hose. The undersigned directed the Clerk of the Court to send plaintiff a copy of his proposed third amended complaint and a copy of the docket sheet in this action. The undersigned directed plaintiff to mark any documents he believed he required to litigate this action on the docket sheet and return the docket sheet to the court. The undersigned further observed that it did not appear that plaintiff required access to many of the documents filed before the third amended

1 complaint to prosecute this action.

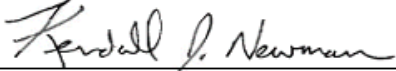
2 In the motion for reconsideration, plaintiff alleges that the undersigned incorrectly  
3 described the circumstances of the destruction of his property in the February 9, 2019 order.  
4 Plaintiff alleges that at no time was water shot inside of his cell that resulted in the destruction of  
5 his property. Plaintiff alleges that prison officials destroyed his property.

6 In the motion for reconsideration, plaintiff states that the undersigned correctly found that  
7 many of the documents filed before the third amended complaint are not necessary for the  
8 prosecution of this action. Plaintiff also states that he will be able to obtain many of the missing  
9 documents through discovery. Plaintiff requests that the undersigned stay the order directing  
10 plaintiff to submit the docket sheet identifying the missing documents until the completion of  
11 discovery.

12 Staying the February 7, 2019 order directing plaintiff to submit the docket sheet  
13 identifying the missing documents until the close of discovery is not practical. Accordingly, the  
14 motion for reconsideration is denied.

15 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for reconsideration (ECF  
16 No. 95) is denied.

17 Dated: February 27, 2019

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20 KENDALL J. NEWMAN  
21 UNITED STATES MAGISTRATE JUDGE

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