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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARON LUCIEN,  
Plaintiff,  
v.  
JEFF MACOMBER, et al.,  
Defendants.

No. 2:16-cv-2595 WBS DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges he was subjected to cruel and unusual punishment when he was forced to sit in a cage until he urinated for urinalysis testing. In an order filed April 3, 2017, the court dismissed plaintiff’s complaint and gave plaintiff thirty days to file an amended complaint. (ECF No. 6.)

Since then, the court has granted plaintiff several extensions of time to file an amended complaint based on plaintiff’s incarceration in administrative segregation and his lack of access to his legal property. On June 29, 2017, plaintiff moved the court for an order requiring California State Prison, Sacramento to provide him his legal materials. (ECF No. 13.) Plaintiff stated that he remained in ad seg and still did not have his legal materials or “proper access to the law library.” He asked for a court order requiring release of his legal paperwork.

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1 In response, the court ordered the Office of the Attorney General to inform the court about  
2 the status of plaintiff's access to his legal materials. (ECF No. 14.) On July 24, 2017, a deputy  
3 attorney general filed a statement, supported by declarations from prison officials, explaining that  
4 on July 11, plaintiff was provided all of his legal materials that had been held in Receiving and  
5 Release, and on July 21, plaintiff was provided all of his legal materials that had been held by the  
6 Investigative Services Unit. (ECF No. 15.) It appears that plaintiff should now have in his  
7 possession all of his legal materials.

8 Accordingly, IT IS HEREBY ORDERED as follows:

- 9 1. Plaintiff's June 29, 2017 motion for a court order (ECF No. 13) is dismissed as moot;
- 10 2. Within thirty days of the date of this order, plaintiff shall file a first amended  
11 complaint as described in the court's order filed April 3, 2017.

12 Dated: July 25, 2017

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE  
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