

FILED

OCT - 5 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 TURNER LITIGATION SERVICES
2 Stephen T. Davies [SBN 196060]
3 P.O. Box 319
4 Eureka, California 95502
5 Tel. (707) 496-9666
6 Fax (707) 445-3319

7 *Attorney for Plaintiff*

8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 MICHAEL AMADOR, an individual,

12 Plaintiff,

13 vs.

14 HUMBOLDT COUNTY CORRECTIONAL
15 FACILITY, LEGAL RESEARCH
16 ASSOCIATES, KAREN LOVIE, The HON.
17 W. BRUCE WATSON, & THE COUNTY OF
18 HUMBOLDT & DOES 1 TO 50.

19 Defendants.

Case No.: 06-CV-06043-MHP

**[PROPOSED] TEMPORARY
RESTRAINING ORDER AND/OR ORDER
TO SHOW CAUSE RE. ISSUANCE OF
PRELIMINARY INJUNCTION**

20 Having considered Plaintiff's application for a temporary restraining order, the Court
21 hereby ~~FINDS:~~

22 ~~Plaintiff has presented credible evidence that Defendants' require indigent self-~~
23 ~~represented inmates to provide correct and complete citations to cases and statutes in order to~~
24 ~~access legal materials, and, that inmates are not provided with resources necessary to~~
25 ~~determine what cases or statutes to request. Such a practice of requiring inmates to provide~~
26 ~~exact citations, without providing a starter collection of basic legal materials, would, if proven~~
27 ~~on the merits, constitute a violation of fundamental rights of due process and access to the~~
28 ~~Courts as protected by the 4th and 14th Amendments to the U.S. Constitution. (See *Carroll v.*~~

1 ~~Bradshaw~~(1993, DC Or) 840 F. Supp. 1382, 1389, affd (1996, CA9 Or), ~~Gilmore v. Lynch~~ 319
2 F. Supp. 105 (1970).)

3 ~~The declarations submitted attest that Plaintiff is not able to participate effectively in State~~
4 ~~Court proceedings; Plaintiff is deprived the means to determine what legal authorities are~~
5 ~~relevant to requesting a stay of State court criminal trial proceedings, trial procedures, and~~
6 ~~obtaining relief by way of writ, appeal, habeas corpus, or post judgment relief in State Court~~
7 ~~proceedings. It appears Plaintiff could not effectively raise his constitutional claims in State~~
8 ~~court proceedings. Ultimately, a prisoner's rights to access the Courts is a matter of Federal~~
9 ~~Constitutional law.~~

10 ~~Wherefore, this Court ORDERS as follows:~~

that plaintiff's motion is DENIED.

- 11 ~~Defendants are hereby temporarily restrained from proceeding with~~
12 ~~judicial proceedings in, or concerning, Humboldt County Superior Court~~
13 ~~Criminal Case People v. Michael Amador case no. CR056330, including~~
14 ~~the commencement of trial, the continuance of trial, and enforcement of~~
15 ~~any judgment if a judgment (should a judgment have been entered prior to~~
16 ~~the issuance of this restraining order); and/or~~

- 17 ~~Defendants are hereby ordered to appear before this Court on _____~~
18 ~~[date] at _____ [time] and show cause why a preliminary injunction~~
19 ~~should not issue staying trial -- or enforcement of any judgment following~~
20 ~~trial -- until such time as Plaintiffs' complaint may be heard.~~

See Younger v Harris, 401 U.S. 37 (1971). It is hornbook law that Federal courts do not

23 Dated: 10/05/06.

By: [Signature]
Judge Marilyn Hall Patel

24 Submitted by:

25 TURNER LITIGATION SERVICES
26 Stephen T. Davies [S.B.N. 196060]
27 P.O.B. 319
Eureka, CA 95502
28 Tel. (707) 496-9666
Fax (707) 445-3319
E-Mail: turnerlit@gmail.com

** Injunct, stay or otherwise interfere with State court proceedings.
See also Bracey v. Cal., 457 F.2d 764 (9th Cir, 1972)*