

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,  
Plaintiff,

v.

INSTITUTIONAL GANG OF  
INVESTIGATIONS; et al.,  
Defendants.

No. C 07-3824 SI (pr)

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR PHOTOCOPIES AND  
CORRESPONDENCE; SETTING  
BRIEFING SCHEDULE**

The complaint in this action asserts a First Amendment claim regarding the confiscation of some of plaintiff's incoming and outgoing mail pertaining to, e.g., the Black August Memorial, the New Afrikan Collective Think Tank, and the New Afrikan Institute of Criminology 101. Apparently, prison officials are of the opinion that the mail pertains to the BGF prison gang, of which plaintiff is a member, while plaintiff contends the mail concerns his political and cultural beliefs.

Plaintiff, an inmate in the security housing unit at Pelican Bay, filed a "Request For An [sic] Court Order" on April 28, 2008 (docket # 13) in which he sought an order compelling prison officials to make photocopies of other inmates' documents for him and to permit him to correspond "unimpeded" with several other inmates regarding his § 1983 claim in this action. The court found the showing in plaintiff's request to be insufficient and required further development of the issues by the parties. The court ordered plaintiff to file and serve a declaration and/or supplemental brief in which he (1) specified the documents he wanted photocopied and why those documents might be relevant to this action, and (2) explained why he needed a court order for "unimpeded" correspondence with other inmates in light of prison

1 staff's approval of some requests for correspondence in compliance with prison rules. Plaintiff  
2 thereafter filed a supplemental motion (docket # 15). Defendants filed an opposition and  
3 plaintiff filed a reply in support of his motion.

4 The court ordered plaintiff to further develop his evidence and argument to show why the  
5 court should order prison officials to deviate from the normal operations of the Pelican Bay  
6 SHU, one of the highest security facilities in the California prison system, where plaintiff is  
7 housed because of his gang affiliation. Even with this opportunity to correct the shortcomings  
8 in his initial request, plaintiff has failed to show that the documents sought were relevant or  
9 necessary to his First Amendment mail rejection claim and has failed to show a bona fide need  
10 to correspond with other inmates to adequately prosecute this action. The experiences of other  
11 inmates in the SHU with regard to the handling of their mail and their opinions regarding the  
12 non-gang nature of the disallowed materials are not relevant to this action concerning the  
13 confiscation of plaintiff's mail. Plaintiff has not shown good cause for this court to interfere in  
14 the day-to-day operations of the prison. See Turner v. Safley, 482 U.S. 78, 84-86 (1987); Wright  
15 v. Rushen, 642 F.2d 1129, 1132 (9th Cir. 1981) (courts should avoid enmeshing themselves in  
16 minutiae of prison operations in name of constitution). Plaintiff's request and supplemental  
17 motion for a court order for photocopies and unimpeded correspondence with other inmates are  
18 DENIED. (Docket # 13, # 15.)

19 In light of the resolution of plaintiff's request, the court now sets a new briefing schedule  
20 for dispositive motions to move this case toward resolution:

- 21 1. Defendants must file and serve their dispositive motion no later than **March 13,**  
22 **2009.**
- 23 2. Plaintiff must file and serve on defense counsel his opposition to the dispositive  
24 motion no later than **April 24, 2009.**
- 25 3. Defendants must file and serve their reply brief, if any, no later than **May 8, 2009.**

26 IT IS SO ORDERED.

27 Dated: January 26, 2009

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SUSAN ILLSTON  
United States District Judge