

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 KEVIN DEROI SAWYER,
5 Plaintiff,

6 v.

7 CHRIS MACDONALD, et al.,
8 Defendants.

Case No. [15-cv-00220-JD](#)

ORDER

Re: Dkt. No. 67

9
10 Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. §
11 1983. Plaintiff raised claims regarding the seizure of notes and various publications and
12 retaliation for filing a grievance. Defendant filed a motion for summary judgment that was
13 granted, and the case was closed. The Ninth Circuit reversed and remanded, finding that plaintiff
14 should be allowed to seek further discovery, the seized materials must be reviewed for the motion
15 for summary judgment and plaintiff presented enough evidence of retaliation to survive summary
16 judgment. *See Sawyer v. MacDonald*, No. 17-16846 (9th Cir. April 19, 2019).

17 The judgement in this case (Docket No. 67) is **VACATED**. Within **28 days** of service of
18 this order, plaintiff should file a statement describing the discovery he seeks. Within **14 days** after
19 the statement is filed, defendants may object to the proposed discovery. The Court will then issue
20 an order specifying the scope of discovery and the time for producing it to plaintiff. A further
21 scheduling order will be issued after discovery is completed.

22 **IT IS SO ORDERED.**

23 Dated: June 4, 2019

24
25
26 
27 _____
28 JAMES DONATO
United States District Judge

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8

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CERTIFICATE OF SERVICE


9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on June 4, 2019, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Kevin DeRoi Sawyer
18 P22673
19 San Quentin State Prison
20 San Quentin, CA 94974

21 Dated: June 4, 2019

22
23 Susan Y. Soong
24 Clerk, United States District Court

25
26 By: 
27 LISA R. CLARK, Deputy Clerk to the
28 Honorable JAMES DONATO