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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 TODD ASHKER and DANNY TROXELL,

No. C 09-05796 CW

9 Plaintiffs,

ORDER DENYING
PLAINTIFFS'
MOTION FOR RELIEF
FROM INTERFERENCE

10 v.

11 EDMUND G. BROWN, JR., et al.,

12 Defendants.
13 _____/

14
15 Pro se Plaintiffs Todd Ashker and Danny Troxell, inmates at
16 Pelican State Prison (PBSP) move for relief from Defendants'
17 alleged interference with Plaintiffs' ability to prosecute this
18 case. The essence of Plaintiffs' motion is that members of PBSP
19 staff are not allowing Plaintiffs to photocopy documents Plaintiffs
20 feel are necessary for the prosecution of their case. Defendants
21 have filed an opposition. The motion was taken under submission on
22 the papers. Having considered the papers filed by the parties, the
23 Court denies Plaintiffs' motion.

24 This motion is based on the following facts. Plaintiffs
25 submitted a request for the PBSP law library to photocopy a
26 document that Plaintiffs wish to send to other PBSP inmates. This
27 document summarizes Plaintiffs' complaint and requests that the
28 inmates send Plaintiffs declarations to use as evidence in support

1 of their civil rights claims. The law library denied this request
2 because it was not clear if this correspondence fit the definition
3 of "legal documents" pursuant to Department Operations Manual (DOM)
4 § 14010.21. The law library stated that if the information
5 Plaintiffs sought was not court-ordered discovery, Plaintiffs had
6 to obtain written authorization from the warden to send it to other
7 inmates, as required by DOM § 54010.22. Plaintiffs argue that it
8 is unfair for PBSP staff to deny their photocopying request because
9 the denial will "force them to handwrite many pages of documents
10 for each of the many witness inquiries." The Court has reviewed
11 the document Plaintiffs wish to duplicate and send to other inmates
12 and concludes that PBSP staff did not misapply DOM
13 § 14010.21 and § 54010.22. Plaintiffs do not need to send a
14 summary of their case to potential inmate witnesses. With the
15 warden's approval, Plaintiffs may send to potential inmate
16 witnesses a list of questions to be answered under penalty of
17 perjury. Plaintiffs, in accordance with prison regulations, may
18 submit a request to the PBSP law library for the list to be
19 photocopied.

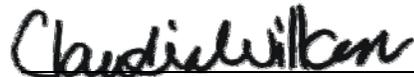
20 Plaintiffs also argue that California Code of Regulations
21 § 3162(a), which provides that a legal document submitted for
22 duplication which is longer than fifty pages must be accompanied by
23 the inmate's written explanation of the need for the number of
24 pages, causes them lengthy delays in their litigation effort
25 because they must substantiate their need for documents over fifty
26 pages, and then file with the Court requests for extensions of time
27 to file the documents. Plaintiffs make the same argument about DOM
28

1 § 101120.15, which likewise requires, for duplication requests of
2 documents in excess of fifty pages, a written explanation for the
3 length, and which additionally requires a court order to duplicate
4 a legal document in excess of 100 pages. The Court concludes that
5 the PBSP law library staff is not exceeding its authority by
6 applying § 3162(a) and § 101120.5 to Plaintiffs' requests for the
7 duplication of lengthy documents. Contrary to Plaintiffs' view, it
8 is not common practice for documents to be filed with the Court
9 that are in excess of fifty pages. See Civil Local Rules 7-2(b)(1)
10 (a motion is not to exceed twenty-five pages); 7-3(a) (opposition
11 is not to exceed twenty-five pages); 7-3(c) (reply is not to exceed
12 fifteen pages); 7-11 (administrative motion is required to obtain
13 court order allowing the filing of a motion that exceeds the
14 applicable page limit before filing such a motion).

15 CONCLUSION

16 Based upon the foregoing, Plaintiffs' motion for relief from
17 interference is denied.

18
19
20 Dated: 10/11/2011



CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 TODD ASHKER et al,

5 Plaintiff,

6 v.

7 ARNOLD SCHWARZENEGGER et al,

8 Defendant.

Case Number: CV09-05796 CW

CERTIFICATE OF SERVICE

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

11 That on October 11, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Danny Troxell
16 Pelican Bay State Prison
17 B76578
18 P.O. Box 7500
19 D1-120
20 Crescent City, CA 95532

21 Todd Ashker C58191
22 Pelican Bay State Prison
23 P.O. Box 7500
24 D1-SHU
25 Crescent City, CA 95532

26 Dated: October 11, 2011

27 Richard W. Wiekling, Clerk
28 By: Nikki Riley, Deputy Clerk