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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HOWARD YOUNG, CDCR #F-44590,
Plaintiff,
v.
LARRY SMALLS, et al.,
Defendants.

Case No. 09-CV-2545-DMS (JMA)

**ORDER (1) DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION
[Doc. No. 139]; (2) SETTING
BRIEFING SCHEDULE ON
PLAINTIFF'S RENEWED MOTION
FOR SUMMARY JUDGMENT [Doc.
No. 141]; (3) DENYING PLAINTIFF'S
MOTION FOR AN ORDER FOR
ACCESS TO LAW LIBRARY [Doc. No.
142]; AND (4) GRANTING
PLAINTIFF'S REQUEST FOR COPIES
OF CHAMBERS RULES [Doc. No.
142]**

Presently before the Court are the following motions filed by Plaintiff Howard Young: a motion for reconsideration (Doc. No. 139), a renewed motion for summary judgment (Doc. No. 141), and a motion for an order for access to an adequate law library and for copies of chambers rules (Doc. No. 144).

I. Motion for Reconsideration

On November 18, 2011 nunc pro tunc November 10, 2011, Plaintiff filed a motion for reconsideration of the Court's October 27, 2011 Order denying his motions for appointment of counsel and for expert witnesses.

The Federal Rules of Civil Procedure do not expressly provide for motions for

1 reconsideration. Rule 60(b), to which Plaintiff cites, allows a party to seek relief from “a
2 final judgment, order, or proceeding” due to “mistake, inadvertence, surprise, or
3 excusable neglect,” “newly discovered evidence,” “fraud,” or because “the judgment is
4 void,” “the judgment has been satisfied,” or for “any other reason that justifies relief.”
5 Fed. R. Civ. P. 60(b). Local Civil Rule 7.1(i), however, does expressly permit motions
6 for reconsideration. Under Rule 7.1(i)(1), a party applying for reconsideration must set
7 forth “what new or different facts or circumstances are claimed to exist which did not
8 exist, or were not shown” upon the prior application. Civ. L.R. 7.1(i)(1).

9 Here, Plaintiff has shown no “newly discovered evidence” nor has he demon-
10 strated that any “new or different facts or circumstances” warrant reconsideration of the
11 Court’s October 27, 2011 Order. Accordingly, Plaintiff’s motion for reconsideration is
12 **DENIED.**¹

13 **II. Motion for Summary Judgment**

14 On September 27, 2011 nunc pro tunc September 21, 2011, Plaintiff filed a
15 motion for summary judgment. Doc. No. 126. During a Case Management Conference
16 held on November 1, 2011, Plaintiff advised the Court that he wished to withdraw the
17 motion and would file a notice of withdrawal of the motion without prejudice. See Nov.
18 1, 2011 Order at 6 [Doc. No. 136]. Instead of filing a notice of withdrawal of the motion,
19 however, Plaintiff filed a renewed motion for summary judgment as well as a notice of
20 intent to file points and authorities in support of his motion. Doc. Nos. 141, 142.

21 The Court hereby issues the following briefing schedule on Plaintiff’s renewed
22 motion for summary judgment:

23 1. Plaintiff shall file a memorandum of points and authorities and all docu-
24 ments supporting his motion for summary judgment on or before January 13, 2012.

25 2. Defendants shall file an opposition to Plaintiff’s summary judgment motion
26 on or before January 27, 2012.

27 3. Plaintiff shall file a reply brief on or before February 10, 2012. The motion
28

¹The Court clarifies for the record that its denial of Plaintiff’s motion to appoint expert witnesses (see Doc. No. 134) was without prejudice.

1 will be deemed submitted as of that date.

2 **III. Motion for an Order for Adequate Access to an Adequate Law Library and**
3 **for Copies of Chambers Rules**

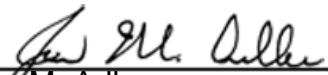
4 Plaintiff requests that the Court issue an order directing the California Depart-
5 ment of Corrections and Rehabilitation to “provide Plaintiff with adequate access to an
6 adequate law library of at least 3-4 hours per week, of which the law library will include
7 access to updated, relevant case law citations, the ability to obtain reasonable copies,
8 and a paging system.” Pl.’s Mot., Doc. No. 144, at 2. The Court previously denied
9 Plaintiff’s request for an order granting law library access on November 1, 2010. See
10 Doc. No. 39.

11 Prison officials are required to “assist inmates in the preparation and filing of
12 meaningful legal papers by providing prisoners with adequate law libraries or adequate
13 assistance from persons trained in the law.” Bounds v. Smith, 430 U.S. 817, 828
14 (1977). The right of access to the courts, however, only requires that prisoners have
15 the capability of bringing challenges to sentences or conditions of confinement. Lewis
16 v. Casey, 518 U.S. 343, 356-57 (1996). The right of access to the courts is only a right
17 to present claims to the court, and not a right to discover claims or to litigate them
18 effectively once filed. Id. at 354.

19 Here, as before, Plaintiff does not provide any indication that his alleged limited
20 access to the law library has had any actual impact on his ability to adequately access
21 the court or to comply with court deadlines. Accordingly, Plaintiff’s request for an order
22 granting “adequate access to an adequate law library” access is **DENIED**. Plaintiff’s
23 request for copies of the “Civil Pretrial & Trial Procedures of Judge Dana M. Sabraw”
24 and for “Judge Adler’s Chambers Rules,” is **GRANTED**. The Clerk of Court shall mail
25 copies of these documents to Plaintiff.

26 **IT IS SO ORDERED.**

27 DATED: December 19, 2011

28 
Jan M. Adler
U.S. Magistrate Judge