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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM CECIL THORTON,

Petitioner,

v.

EUKETA OLIVER,

Respondent.

Civil No. 11-cv-0338-IEG (POR)

**ORDER DIRECTING CALIFORNIA
CORRECTIONAL TRAINING
FACILITY OFFICIALS AND WARDEN
TO COMPLY WITH CALIFORNIA
CODE OF REGULATIONS**

[ECF No. 31]

On August 16, 2011, Petitioner William Thornton filed a Motion for Injunctive Relief for Access to Law Library at California Correctional Institution or Immediate Transfer to a Facility with an Accessible Law Library. (ECF No. 31.) The Court construes Petitioner's motion as a request for physical access to the institution law library.

On July 29, 2011, Petitioner was transferred to Administrative Segregation in the Unit 2 Yard at California Correctional Training Facility. Petitioner contends "Unit 2 Yard Ad Seg does not have access to a physical law library" in violation of California Code of Regulations Title 15, section 3123(a). The Court has ordered Petitioner to file a Traverse to Respondent's Answer on or before December 29, 2011. (ECF No. 41.) However, without physical access to the law library, Petitioner claims he cannot properly litigate his case.

"[P]risoners have a right under the First and Fourteenth Amendments to litigate claims challenging their sentences or the conditions of their confinement to conclusion without *active*

1 *interference* by prison officials.” *Silva v. Di Vittorio*, – F.3d –, 2011 WL 4436248 at *9 (9th Cir.
2 2011) (emphasis in original). Pursuant to the California Code of Regulations, “[a]ll inmates,
3 regardless of their classification or housing status, shall be entitled to physical law library access that
4 is sufficient to provide meaningful access to the courts.” 15 Cal. Code Regs. § 3123(b). However,
5 where an inmate is unable to physically access the law library, he may request access to legal
6 material through the “paging system.” 15 Cal. Code Regs. § 3123(c); *see also Andrews v. Knowles*,
7 2011 WL 3880400 at *5 (S.D. Cal. 2011). Under such circumstances, law library staff must deliver
8 the requested legal material to an inmate’s cell as soon as possible. 15 Cal. Code Regs. § 3123(d).

9 The Court cannot ascertain the extent to which Petitioner has been denied access to the law
10 library while in administrative segregation. Petitioner’s voluminous filings demonstrate an
11 understanding of the law and the facts of this case. However, if prison officials deny Petitioner
12 access to legal research materials, they risk violating his First and Fourteenth Amendment rights.
13 Accordingly, IT IS HEREBY ORDERED that California Correctional Training Facility Warden and
14 other officials shall comply with the California Code of Regulations as relates to Petitioner’s access
15 to legal research materials.

16
17 DATED: October 31, 2011

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19 
20 LOUISA S PORTER
United States Magistrate Judge

21 cc: The Honorable Irma E. Gonzalez

22 all parties

23 Warden Randy Grounds
24 California Correctional Training Facility
25 P.O. Box 686
Soledad, CA 93960