

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EARL IRA BOWMAN,

Plaintiff,

v.

W. HAYES, et al.,

Defendants.

Case No. C16-381 RSM-BAT

**ORDER DENYING MOTIONS FOR  
CONTINUANCE, FOR  
TRANSCRIPTS, AND FOR TRIAL  
SUBPOENAS (DKTS. 57, 58, 60)**

Plaintiff Earl Ira Bowman has filed several motions with the Court. For the reasons stated herein, the motions are denied. Plaintiff is also warned that his future filings must be submitted to the Court through the Law Librarian/designee at the Washington Corrections Center (“WCC”) for electronic filing pursuant to General Order 06-16.

**BACKGROUND**

At the time plaintiff filed his civil rights complaint in this matter, he was an inmate at the King County Department of Adult and Juvenile Detention (“DAJD”). Dkt. 10. Plaintiff subsequently filed an amended complaint on May 2, 2016 (Dkt. 13) and a second amended complaint on June 6, 2016 (Dkt. 15). Plaintiff is now an inmate at the WCC.

On July 25, 2016, the Court issued a Pretrial Scheduling Order establishing a discovery request deadline of December 28, 2016, a discovery deadline of January 27, 2016, and a dispositive motion deadline of March 30, 2016. Dkt. 23.

ORDER DENYING MOTIONS FOR  
CONTINUANCE, FOR TRANSCRIPTS,  
AND FOR TRIAL SUBPOENAS (Dkts. 57,  
58, 60) - 1

1 **DISCUSSION**

2 **A. Motion for Continuance – Dkt. 57**

3 Plaintiff asks the Court to continue the pretrial deadlines because he is “not allowed to  
4 have his legal work in his possession per D.O.C. policy” and asks to extend the “pre-trial  
5 scheduling order because right now it’s at 1-27-17”. Dkt. 57.

6 Defendants oppose any such continuance because there are no outstanding discovery  
7 requests and plaintiff has had ample time to make discovery requests. Plaintiff was added to the  
8 DAJD’s Westlaw pro se list on June 28, 2016, after he filed his complaint in this case. Dkt. 36,  
9 Declaration from Chris Womack, ¶ 22. From June 28, 2016 through December 23, 2016,  
10 plaintiff was scheduled to use the King County Westlaw workstation more than 47 times. *Id.*, at  
11 23. Plaintiff currently has access at DOC to his personal legal document/papers through the Law  
12 Librarian by way of a kite message. Dkt. 57, at 7.

13 Thus, it appears plaintiff has had ample time to make discovery requests and had ample  
14 access to the Westlaw workstation at the DAJD and may access his legal documents at the DOC  
15 by kiting the DOC’s law librarian. Moreover, plaintiff has failed to demonstrate why a  
16 continuance of the currently established deadlines is necessary.

17 **B. Motion for Transcripts – Dkt. 58**

18 In this motion, plaintiff asks this Court to order the King County Court to transcribe and  
19 provide him with copies of his entire criminal case court proceedings. He claims he requires  
20 these transcripts to prove that he was denied access to the courts and that his lawyer provided  
21 ineffective assistance of counsel by working with the prosecutor to convince plaintiff to plead  
22 guilty.

1 The Court has no authority to order the county court to provide the requested transcripts.  
2 It is also entirely unclear how the transcripts in the criminal proceeding are relevant to plaintiff's  
3 claim that he was denied access to the courts. Plaintiff is free to obtain the transcripts on his own  
4 or through his criminal counsel.

5 **C. Motion to Subpoena Witnesses to Trial – Dkt. 60**

6 Plaintiff requests the Court to issue trial subpoenas for his witnesses. Dkt. 60. This  
7 motion is premature as no trial date has been set in this matter.

8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff's motions for continuance (Dkt. 57), for transcripts (Dkt. 58), and to  
10 subpoena all witnesses for trial (Dkt. 60) are **DENIED**.

11 (2) **Plaintiff is directed to submit all future documents to be filed with this Court**  
12 **to the WCC Law Librarian/designee for electronic filing. Pursuant to General Order 06-**  
13 **16, participation in the Prisoner E-Filing Initiative is MANDATORY for all prisoner**  
14 **litigants incarcerated at the WCC. Future documents submitted by U.S. Mail will not be**  
15 **considered by the Court.**

16 (3) The Clerk is directed to send a copy of this Order to plaintiff and counsel for  
17 defendants.

18 DATED this 2nd day of February, 2017.

19  
20 

\_\_\_\_\_  
21 BRIAN A. TSUCHIDA  
22 United States Magistrate Judge