UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARIO AMADOR GONZALEZ, Plaintiff, v. DR. SCHARFFENBERG and R.N. S. SOTO, Defendants.	Case No. 1:16-cv-01675-DAD-EPG (PC) ORDER REQUIRING THE WARDEN OF CSP SACRAMENTO TO RESPOND TO PLAINTIFF'S MOTION (ECF NO. 141) ORDER DIRECTING CLERK TO SEND A COPY OF THIS ORDER AND PLAINTIFF'S MOTION (ECF NO. 141) TO SENIOR ASSISTANT ATTORNEY GENERAL MONICA ANDERSON, THE WARDEN OF CSP SACRAMENTO, AND THE LITIGATION COORDINATOR AT CSP SACRAMENTO

Mario Gonzalez ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 12, 2018, Plaintiff filed a motion for an order directing California State Prison, Sacramento ("CSP Sacramento") to give him his property. (ECF No. 141). According to Plaintiff, he was transferred to CSP Sacramento on September 1, 2018. On September 6, 2018, he asked C.O. Rutledge if he could speak with a sergeant so that he could get his legal property. C.O. Rutledge responded "you got nothing coming you fat fag[.] You got a lawsuit against us." Plaintiff claims that C.O. Rutledge also called Plaintiff a "piece of shit" and denied Plaintiff an opportunity to speak with a sergeant.

Given that Plaintiff has alleged he is being denied access to his legal property, and that

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he has an upcoming deadline to respond to Defendants' motion for summary judgment (ECF No. 140), the Court will require the Warden of CSP Sacramento to file a response.

Accordingly, IT IS ORDERED that:

1. Within fourteen (14) days from the date of service of this order, the Warden of CSP Sacramento shall file a response to the allegations regarding Plaintiff's lack of access to his legal property. The response should either confirm that Plaintiff has access to his legal property or explain why Plaintiff is not being given access to his legal property; and
2. The Clerk of Court is directed to serve Supervising Deputy Attorney General Monica Anderson, the Warden of CSP Sacramento, and the Litigation Coordinator at CSP Sacramento with a copy of this order and Plaintiff's motion (ECF No. 141).

IT IS SO ORDERED.

Dated: **September 17, 2018**

/s/ Eric P. Grosjean
UNITED STATES MAGISTRATE JUDGE