IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARNOLD KING	:	**CIVIL ACTION**
v.	:	
DONALD T. VAUGHN, et al.	:	**NO. 95-319**

MEMORANDUM ORDER

This is a pro se 42 U.S.C. § 1983 civil rights action. Plaintiff, an inmate at SCI-Pittsburgh, alleges that defendants failed to protect him from another inmate, conditioned a threat upon plaintiff's exercise of his First Amendment rights and were responsible for transferring him to SCI-Pittsburgh as punishment or retaliation for exercising his constitutionally protected right of access to courts. Presently before the court is plaintiff's Motion to Defer Defendant's Renewing Their Motion for Summary Judgment.

The discovery deadline in this case was well over a year ago. After defendants filed a motion for summary judgment, the court granted plaintiff's request to reopen discovery and his subsequent request for a further extension of time to serve additional discovery requests on defendants.

Defendants have now filed a renewed motion for summary judgment which incorporates and supplements their initial motion. Plaintiff states that he is currently being housed in the Restricted Housing Unit ("RHU") under Administrative Custody Status ("AC-Status") and thus is unable to respond to defendants' motion because "he has no access to the prison law library while

confined on AC-Status" and "doesn't have legal materials needed to respond." Plaintiff acknowledges that he can order cases to be delivered to him, but states that he can only obtain 6 cases per request which are usually delivered once each week.

Plaintiff's claims are relatively straightforward and he does not need to engage in further legal research adequately to present them. Plaintiff need only be aware that: to establish an Eighth Amendment violation, he must prove that defendant Caison was deliberately indifferent to a substantial risk of serious harm to plaintiff, Farmer v. Brennan, 114 S. Ct. 1970, 1974 (1994); to prevail on his claim against defendants Caison, Terra and Barone, plaintiff must prove that they conditioned a threat upon his exercise of his First Amendment rights; and, to sustain on his other claim against defendant Caison, plaintiff must prove that he was transferred to SCI-Pittsburgh in retaliation for exercising his constitutional right of access to courts. Plaintiff's claims turn on the facts. He has not identified any legal issues he needs further to research in the prison law library. He has had a lengthy time to review defendants' initial motion and consider the contentions made therein. Defendants' renewed motion merely supplements their discussion concerning the failure to protect claim. There is no reasonable justification to delay this case any further.

ACCORDINGLY, this day of June, 1997, upon consideration of plaintiff's Motion to Defer Defendant's[sic] Renewing Their Motion for Summary Judgment and defendants'

response thereto, **IT IS HEREBY ORDERED** that said Motion is **DENIED** and plaintiff shall have until June 20, 1997 to respond to defendants' renewed motion for summary judgment.

BY THE COURT:

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JAY C. WALDMAN, J.