UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAM DRAKE,

Plaintiff,

v.

MCCOMAS, *et al.*,

Defendants.

Case No. 1:22-cv-01149-JLT-BAM (PC)

ORDER GRANTING DEFENDANTS' EX PARTE MOTION FOR ACCESS TO DOCUMENTS FILED UNDER SEAL AND EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
(ECF No. 80)

Deadline: January 9, 2026

Plaintiff Sam Drake ("Plaintiff") is a pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint on the following claims: (1) violation of the First Amendment based on a facial challenge to Fresno County Jail ("FCJ") Policy #E-120 and #E-410 against Defendants Mims, McComas, and Zanoni; (2) violation of the First Amendment based on an as-applied challenge to FCJ Policy #E-120 and #E-410 against Defendants Enriquez, Keoniyom, Nichols, and Snyder; and (3) violation of Due Process for returning Plaintiff's mail against Defendants Enriquez, Keoniyom, Nichols, and Snyder.

On November 19, 2025, Plaintiff timely filed a motion for summary judgment. (ECF No. 73.) In support of his motion for summary judgment, Plaintiff also filed a number of exhibits, which were initially lodged only in paper with the Clerk's Office in the Fresno courthouse. Upon

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

review of the lodged exhibits, the Court determined that one could not be physically scanned and a number of others should be filed under seal until a further determination could be made. The Court therefore ordered that Plaintiff's Exhibits A, C, D, and I be filed under seal, Plaintiff's Exhibit K would remain lodged in paper, and the remaining exhibits were docketed with no special handling. (ECF Nos. 74–76.) Defendants' deadline to respond to Plaintiff's motion was extended accordingly. (ECF No. 74.) The deadline for Defendants response is currently due on or before December 12, 2025. (*Id.*)

Currently before the Court is Defendants' ex parte motion for access to documents filed under seal and extension of time to file response to Plaintiff's motion for summary judgment, filed December 8, 2025. (ECF No. 80.) Defendants state that Plaintiff did not serve them with a copy of his motion for summary judgment or any of the exhibits filed in support. Defendants received only electronic service by the Court through the ECF system, which did not include copies of the documents filed under seal. Defense counsel further states that after contacting the Clerk's Office for the Fresno courthouse to request access to the sealed exhibits, he was informed that he could not be granted access to these documents filed under seal without a court order granting such access. Defendants therefore request that they be allowed access by requesting to view Plaintiff's Exhibits A, C, D, and I at the Clerk's Office in the Fresno courthouse, and that the deadline for Defendants to respond to Plaintiff's motion for summary judgment be extended twenty-one days from the date of the Court's order granting such access. (*Id.*)

Plaintiff has not yet had an opportunity to file a response to Defendants' motion, but the Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

The Court finds good cause to grant the requested access and to extend the deadline for Defendants to respond to Plaintiff's motion for summary judgment. Defendants require the ability to view all of the exhibits filed in support of Plaintiff's motion for summary judgment, as well as time to prepare their response after having viewed the materials. Defendants are advised that while they may view Plaintiff's Exhibits A, C, D, I, and K upon request at the Clerk's Office and will be permitted to view such documents in the lobby area, if they wish to scan or copy the documents they will not have access to the Clerk's Office facilities to do so. The Court further

finds that in light of the upcoming holidays and related court closures, an extension of Defendants' response deadline until **January 9, 2026** is appropriate. Finally, the Court finds that Plaintiff will not be prejudiced by the brief extension granted here.

Accordingly, the Court HEREBY ORDERS as follows:

1. Defendants' ex parte motion for access to documents filed under seal and extension of time to file response to Plaintiff's motion for summary judgment, (ECF No. 80), is GRANTED;
2. Defendants, defense counsel, and support staff for defense counsel may view Plaintiff's Exhibits A, C, D, I, and K, filed in support of Plaintiff's motion for summary judgment, (ECF No. 75), upon request at the Clerk's Office in the Fresno courthouse; and
3. On or before **January 9, 2026**, Defendants shall file their response to Plaintiff's November 19, 2025 motion for summary judgment.

IT IS SO ORDERED.

Dated: **December 11, 2025**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE