

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Charles D. Riel v. Warden, San Quentin State Prison**

Riel v. Warden · No. 2:01-cv-0507 MCE DB · Decided March 13, 2023

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**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 CHARLES D. RIEL, No. 2:01-cv-0507 MCE DB 12 Petitioner, DEATH  
PENALTY CASE 13 v. 14 WARDEN, San Quentin State Prison, ORDER 15 Respondent. 16 17  
On March 8, 2023, the court issued an order addressing two letters petitioner had filed 18 with the  
court. (ECF No. 617.)

The court has now received two additional letters from the 19 petitioner, Charles Riel. (ECF Nos.  
618, 619.) The court has received two handwritten letters 20 from the petitioner, Charles Riel.  
(ECF Nos. 615, 616.) As noted in the court’s prior order, 21 petitioner is represented by counsel in  
this action and pro se filings by a represented party are 22 improper.

See *United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998). Petitioner again 23 is  
encouraged to address any issues regarding this action with his attorney. 24 In petitioner’s two  
recent letters, he expresses concern that he may be assaulted. (ECF 25 Nos. 618, 619.) This  
appears to be mainly based on the fact that he believes a correctional officer 26 “just can’t stand  
[petitioner]” and may attempt to get an inmate to assault the plaintiff.

(ECF No. 27 619.) Petitioner’s concerns currently appear to be speculative and he has not  
provided sufficient 28 information about the alleged risk to petitioner’s safety. As such, petitioner  
has not shown that 1 | there is likely an imminent risk to petitioner.

However, the safety of all parties is always of 2 || concern to the court. In the interest of ensuring  
petitioner’s safety, all parties and their respective 3 | counsel are notified regarding the letters  
petitioner has filed (ECF Nos. 618, 619) and the 4 | concerns petitioner has raised therein about his  
safety. Additionally, the Clerk of the Court will 5 | be directed to serve a copy of this order on the  
Litigation Coordinator at San Quentin State 6 | Prison.

7 For the reasons set forth above, the Clerk of the Court is ORDERED to serve a copy of 8 | this  
order on the Litigation Coordinator at San Quentin State Prison as well as directly on plaintiff 9 |  
(CDCR No E-00100) at San Quentin State Prison. This order resolves ECF No. 618 and ECF No.  
10 | 619. 11 || Dated: March 10, 2023 12 13 BORAH BARNES 14 UNITED STATES  
MAGISTRATE JUDGE 15 16 17 18 19 20 | DB:14 DB/orders-capital/riel0507 pet. ltr(2) 21 22 23  
24 25 26 27 28

