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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

QUETZAL CONTRERAZ,	)	1:04-cv-06039-LJO-GSA-PC
Plaintiff,	)	ORDER DENYING REQUEST FOR
v.	)	COURT ORDER DIRECTING PRISON
D. ADAMS, et al.,	)	OFFICIALS TO RETURN PLAINTIFF'S
Defendants.	)	LEGAL MATERIALS
	)	(Doc. 50.)
	)	ORDER GRANTING EXTENSION OF
	)	TIME TO FILE RESPONSE TO MOTION
	)	TO DISMISS
	)	FORTY-FIVE DAY DEADLINE

Quetzal Contreras ("Plaintiff") is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On October 4, 2010, Plaintiff filed a motion for a court order directing prison officials to provide him with his legal materials, which he requires to prepare a response to Defendant Adams' motion to dismiss of May 17, 2010. (Doc. 50.) Plaintiff explains that he was placed in Ad-Seg in June 2010 and has not been given all of his legal materials. Plaintiff asserts that he filed a prison grievance for return of his materials, but he has not received a response.

With regard to Plaintiff's request for a court order directing prison officials to return his legal materials, the Court recognizes that prison administrators "should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve

1 internal order and discipline and to maintain institutional security." Whitley v. Albers, 475 U.S. 312,  
2 321-322 (1986) (*quoting* Bell v. Wolfish, 441 U.S. 520, 547 (1970)). Accordingly, the Court shall defer  
3 to the prison's policies and practices in granting Plaintiff access to his property while he is retained in  
4 Ad-Seg. However, Plaintiff shall be granted additional time in which to file a response to Defendants'  
5 motion to dismiss.

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's request for a court order directing prison officials to return his legal materials  
8 is DENIED; and
- 9 2. Plaintiff is GRANTED forty-five days from the date of service of this order in which to  
10 file a response to Defendants' motion to dismiss of May 17, 2010.

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12 IT IS SO ORDERED.

13 **Dated: October 6, 2010**

14 /s/ Gary S. Austin  
15 UNITED STATES MAGISTRATE JUDGE  
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