UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

GERALD L. MILLER, JR.
CDCR #C-92075
Plaintiff,
v.
O. RUFION; MOONGA, R.N.,
Defendants.

Civil No. 08-1233 BTM (WMc)

ORDER DENYING PLAINTIFF'S MOTION FOR ORDER RE: LAW LIBRARY AS MOOT

[Doc. No. 104]

On October 27, 2010, Plaintiff filed a motion requesting this Court order additional library time in order for him to comply with Court deadlines and prevent prison officials from alleged interference with Plaintiff's legal mail, which he feared might delay communication with the Court. [*See* Doc. No. 104.] As explained below, Plaintiff's motion is **DENIED** as moot.

On October 28, 2010, one day after Plaintiff filed the instant motion, the Honorable Barry T. Moskowitz issued a briefing schedule setting forth a deadline for Plaintiff to respond to Defendants' motion for summary judgment. Plaintiff met the deadline set forth by the Court, submitting a 100-page opposition, without requesting an extension. [*See* Doc. No. 109, Plaintiff's Opposition to Defs. Motion.] Although Plaintiff appears to have been prospectively concerned about the due date of an opposition to Defendants' motion for summary judgment, his concerns were unfounded as an opposition was received and accepted by the Court in accordance with the deadlines set forth in Judge Moskowitz's October 28, 2010 order. Thus, Plaintiff's request for additional library time in order to timely respond to court deadlines is **DENIED** as moot.

In addition, contrary to Plaintiff's assertions that the Court only received two pages of his motion to compel, the Court received Plaintiff's motion in full. [*See* Doc. No. 98.] There is no evidence prison officials have interfered with Plaintiff's legal mail or his 17-page motion to compel, which the Court considered and denied as untimely on October 19, 2010. [Doc. No. 100.] Accordingly, Plaintiff's motion requesting order instructing prison officials not to interfere with legal mail is **DENIED** as moot.

IT IS SO ORDERED.

DATED: March 21, 2011

Hon. William McCurine, Jr.
U.S. Magistrate Judge, U.S. District Court