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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

GERALD L. MILLER, JR.,  
  
v.  
  
O. RUFINO, et al.  
  
Plaintiff,  
  
Defendants.

Case No. 08cv1233 BTM(WMc)  
**ORDER OVERRULING OBJECTION**

On July 5, 2011, Plaintiff filed an objection to Magistrate Judge McCurine’s June 22, 2011 Order, denying without prejudice Plaintiff’s request for legal materials and library time. Plaintiff’s objection was premature. The Magistrate Judge was continuing to hold status conferences to investigate Plaintiff’s access to the library and the location of Plaintiff’s legal materials. In an order filed on June 27, 2011, Magistrate Judge McCurine ordered the Litigation Coordinator at Calipatria State Prison (1) to assist Plaintiff in locating all legal mail and (2) to report to Judge McCurine the location of Plaintiff’s legal mail and Plaintiff’s mail status. The Court held telephonic conferences on June 29 and July 14 to obtain more information from the Litigation Coordinator regarding Plaintiff’s access/use of the library. In an order filed on July 15, 2011, Judge McCurine ordered that Plaintiff be granted Preferred Library User status. The order also explained that although Plaintiff had indicated that he had received his legal mail and materials, he was still experiencing a disruption in the service

1 of his personal mail. Accordingly, Judge McCurine directed the Litigation Coordinator to  
2 investigate the status of Plaintiff's personal mail and provide a report at the next telephonic  
3 status conference on July 28, 2011. It appears that Judge McCurine has addressed  
4 Plaintiff's concerns and is continuing to follow up on the issue of Plaintiff's personal mail.  
5 Therefore, Plaintiff's objection is **OVERRULED**.

6 **IT IS SO ORDERED.**

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8 DATED: July 22, 2011

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10 Honorable Barry Ted Moskowitz  
11 United States District Judge  
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