

1 clearly concerns the conditions of his confinement and thus is appropriately raised in a civil rights
2 action. Accordingly, the Court will recommend that Petitioner's motion be dismissed.

3 **RECOMMENDATION**

4 Accordingly, the Court RECOMMENDS that Petitioner's motion for an order directing the
5 warden to relinquish stored property be DISMISSED.

6 This Findings and Recommendation is submitted to the Honorable Lawrence J. O'Neill,
7 United States District Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule
8 72-304 of the Local Rules of Practice for the United States District Court, Eastern District of
9 California. Within thirty (30) days after being served with a copy of this Findings and
10 Recommendation, any party may file written objections with the Court and serve a copy on all parties.
11 Such a document should be captioned "Objections to Magistrate Judge's Findings and
12 Recommendation." Replies to the Objections shall be served and filed within ten (10) court days
13 (plus three days if served by mail) after service of the Objections. The Court will then review the
14 Magistrate Judge's ruling pursuant to 28 U.S.C. § 636 (b)(1)(C). The parties are advised that failure
15 to file objections within the specified time may waive the right to appeal the Order of the District
16 Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 IT IS SO ORDERED.

18 **Dated: February 17, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28