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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RODNEI FRAZIER,

CASE NO. 1:10-cv-1656-LJO-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION TO  
STOP PRISON FROM OPENING MAIL  
FROM THE COURTS

v.

S. LOPEZ, et al.,

(ECF No. 10.)

Defendants.

\_\_\_\_\_ /

Plaintiff Rodney Frazier ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is a letter from Plaintiff regarding the opening of his mail. Plaintiff complains that the last notice of service that he received from the Court was not in a sealed envelope. By the time he received the Notice, it was only taped shut. Plaintiff is concerned that his legal mail is being tampered with by prison authorities. (ECF No. 10.) The Court construes Plaintiff's letter as a Motion for the Court to Stop the Prison from Opening Mail from the Courts.

While state prison regulations may more broadly define what constitutes legal mail, under federal law, mail from the courts is a matter of public record and is not considered to be legal mail. Keenan v. Hall, 83 F.3d 1083, 1094 (9th Cir. 1996). Pursuant to 42 U.S.C. § 1983, the Court has jurisdiction only over claims that a prisoner's constitutional rights were violated. Because the opening of mail from the Court does not implicate a constitutional right, the Court lacks jurisdiction to address any of Plaintiff's concerns. Thus,

1 Plaintiff's letter, which the Court construes as a Motion, is DENIED.

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3 IT IS SO ORDERED.

4 Dated: November 8, 2010

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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