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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN D. KIDERLEN,
Plaintiff,
v.
PAT KANE, et al.,
Defendants.

CASE NO. 1:11-cv-01951-JLT PC
ORDER DENYING MOTION FOR RETURN
OF LEGAL DOCUMENTS
(Doc. 24)

Plaintiff Steven D. Kiderlen, (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis with a civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) (“Bivens”), which provides a remedy for violations of civil rights by federal actors. Plaintiff filed his complaint on November 23, 2011. (Doc. 1.) He consented to Magistrate Judge jurisdiction on January 3, 2012. (Doc. 7.) No other parties have appeared in this action. The Court has not yet screened Plaintiff’s Complaint.

Pending before the Court is Plaintiff’s motion for return of legal documents confiscated by staff at USP- Atwater following his transfer to FCI Beaumont Low. (Doc. 24 at 2).¹ Plaintiff filed his motion on December 26, 2012. (Doc. 24). In his motion, Plaintiff asks the Court to order Defendants to “restore to the Plaintiff the 12” of legal documents and evidence which was

¹ The Court construes Plaintiff’s motion as a Motion to Compel Defendants to return his documents, although he refers to his pleading as a Petition for Injunction.

1 confiscated on or about May 8, 2012.” (Doc. 24 at 2). However, the persons named in Plaintiff’s
2 motion are not the same individuals named as defendants in his case. (Doc. 1, Doc. 24).

3 As set forth above, the Court has yet to screen Plaintiff’s complaint. Thus, the Defendants
4 have not been served and the Court does not have jurisdiction over any of the individually named
5 Defendants or additional persons name in Plaintiff’s motion.

6 Accordingly, it is HEREBY ORDERED that Plaintiff’s December 26, 2012 motion for
7 return of documents (Doc. 24) is DENIED AS PREMATURE.

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9 IT IS SO ORDERED.

10 Dated: December 28, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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