

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES E. SMITH,) Case No.: 1:14-cv-00384-LJO-JLT
Petitioner,)
v.) ORDER DENYING WITHOUT PREJUDICE
M. BITER, Warden,) PETITIONER'S MOTION FOR RETURN OF
Respondent.) ORIGINAL DOCUMENTS (Doc. 4)
)
)
)
)

Petitioner is a state prisoner proceeding in propria persona with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The petition was filed on March 3, 2014. (Doc. 1). Along with the petition, Petitioner also filed a memorandum of points and authorities and various exhibits. (Doc. 3). At the same time, Petitioner filed the instant motion for return of original documents, noting that some of the exhibits attached to the petition were originals and Petitioner required the return of those original documents whenever possible. (Doc. 4).

On June 2, 2014, Respondent filed a motion to dismiss the petition (Doc. 18), and on January 15, 2015, the Court issued Findings and Recommendations to grant the motion to dismiss. (Doc. 23). The matter has been referred to the District Judge assigned to this case for a decision whether to adopt the Findings and Recommendations.

Regarding Petitioner's request for the return of his original documents, the Court has no provision for copying filed documents and then returning those documents to litigants. In effect, that would require the Clerk of the Court to become an informal copy service for litigants. Instead, if a litigant wishes to have original filed documents returned to him by the Court, it is a litigant's responsibility not only to have such a procedure authorized by the Court but also to provide the necessary postage and to make arrangements with the Clerk of the Court to pay for any copies that need to be made in order for the originals to be returned. This is true for all litigants, whether prisoners or not. The Court does not operate a copy service at the pleasure of litigants. Accordingly, the Court will deny the motion without prejudice. Once the proceedings have been concluded, Petitioner can renew his request if he has made appropriate arrangements for paying for the required copies from the Clerk of the Court.

ORDER

For the foregoing reasons, Petitioner's motion for return of original documents (Doc. 4), is DENIED without prejudice.

IT IS SO ORDERED.

Dated: **January 29, 2015**

/s/ **Jennifer L. Thurston**
UNITED STATES MAGISTRATE JUDGE