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

ERNEST MILLER,

Plaintiff,

No. CIV S-06-0947 JAM GGH P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

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On December 31, 2008, plaintiff filed an opposition to defendants' summary judgment motion. The opposition did not address the merits of the motion. Rather, plaintiff complained that he did not have access to his legal and personal property necessary for prosecuting this action.

On January 15, 2009, the court ordered defendants to file briefing addressing plaintiff's claim that he had not received his legal and personal property. On January 28, 2009, defendants filed a response to the January 15, 2009, order. This response thoroughly addresses the issue of plaintiff's access to his personal property.

Regarding plaintiff's legal property, defendants state that an inventory of plaintiff's cell found that he possessed eighteen manilla envelopes containing legal or

1 miscellaneous documents. Attached as an exhibit to defendants' pleading are photographs taken  
2 of these manilla envelopes. Some of these envelopes do appear to contain legal pleadings.

3 On January 29, 2009, plaintiff filed a difficult to decipher pleading stating that he  
4 is still missing legal property taken from him on May 12, 2008. Plaintiff does not even attempt  
5 to specify what that property is, and whether it relates to this case.

6 The court considers the matter of plaintiff's legal property resolved as it relates to  
7 this case. Plaintiff is granted thirty days to file a supplemental opposition addressing the merits  
8 of defendants' summary judgment motion.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days to  
10 file an opposition to defendants' summary judgment motion.

DATED: February 11, 2009

/s/ Gregory G. Hollows

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 UNITED STATES MAGISTRATE JUDGE

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