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

WILLIAM ROUSER,

Plaintiff,

No. CIV S-07-1107 JAM GGH P

vs.

K. RUTHERFORD, et al.,

Defendant.

ORDER

_____/

Pending before the court is plaintiff’s October 21, 2009, motion for law library access. Plaintiff alleges that he has been denied law library access despite legal deadlines. Attached as an exhibit to plaintiff’s motion is an “Inmate Request for Interview” form dated October 15, 2009. In this document, plaintiff stated that he was a Preferred Legal User but had not been to the law library in twenty-one days. In response, a prison official wrote:

- September 18--25 Super. Vacation.
- 9-24 Attended
- 10-1-09 Lockdown
- 10-2-09 Lockdown
- 10-3-09 Lockdown
- 10-6-09 Supr. Furlough
- 10-7-09 Supr. Worked Ad Seg
- 10-9-09 Scheduled Afternoon–Emergency Count
- 10-20-09 Lockdown
- 10-13-09 Supr. Furlough
- 10-14-09 Supr. Worked Ad Seg

1 10-15-09 Scheduled Afternoon

2 The response to plaintiff's request for an interview does not demonstrate that
3 plaintiff has been denied law library access for improper reasons. It is unclear how the court
4 could order prison officials to provide plaintiff with law library access, for example, on a day the
5 prison is on lockdown or if the law librarian is unavailable due to a work furlough day.

6 Moreover, the Ninth Circuit has held that law library access is guaranteed through
7 the pleading stages of a case only, Cornett v. Donovan, 51 F.3d 894, 898-899 (9th Cir. 1995, a
8 stage long since completed in this case.

9 Accordingly, plaintiff's motion for law library access is denied because it is not
10 well supported. If plaintiff requires additional time to file pleadings in the instant action due to
11 inadequate law library access, he should file a request for extension of time.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff's October 21, 2009,
13 motion for law library access (no. 49) is denied.

14 DATED: November 17, 2009

15
16 /s/ Gregory G. Hollows

17 _____
18 UNITED STATES MAGISTRATE JUDGE

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