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

LAWRENCE BIRKS,

Plaintiff,

No. CIV S-07-1473 LKK DAD P

vs.

ROBERT SANTOS,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. Pending before the court are plaintiff’s motion for a court order directing the Salinas Valley State Prison Warden to allow him access to the D-Facility Law Library and plaintiff’s request for leave to remove the exhibits attached to his original complaint and attach them to his amended complaint, which he intends to file with the court at a later date.

First, the court will deny plaintiff’s motion for a court order for law library access. Plaintiff is advised that this court is unable to issue any orders against entities or individuals who are not parties to the suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). In the event that plaintiff still needs access to the law library and has not obtained it, he should file and pursue an administrative grievance at his institution. See Cal. Code Regs. tit. 15, § 3084.1(a) (prisoners may appeal “any departmental decision, action,

1 condition, or policy which they can demonstrate as having an adverse effect upon their
2 welfare.”).

3 The court will also deny plaintiff’s request for leave to remove the exhibits
4 attached to his original complaint and attach them to his amended complaint as premature. If
5 plaintiff files an amended complaint and still wishes to use the exhibits attached to his original
6 complaint, he should renew his request at that time.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s motion for a court order (Doc. No. 34) is denied; and
- 9 2. Plaintiff’s request to for leave to remove the exhibits attached to his original
10 complaint and attach them to his amended complaint (Doc. No. 34) is denied without prejudice.

11 DATED: April 1, 2010.

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14 _____
15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

14 DAD:9
15 birk1473.mots