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

GERALD LEE MILLER, JR.,

Plaintiff,

No. CIV S-07-1646 LKK EFB P

vs.

JANE WOODFORD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He seeks reconsideration of this court’s denial of a motion for a temporary restraining order and preliminary injunction.¹ For the reasons set forth below, the motion is denied.

From a procedural perspective, the pending motion is puzzling. Plaintiff originally moved for an order enjoining defendants and others from interfering with his legal and personal correspondence. Dckt. No. 33. On May 14, 2009, before the magistrate judge issued findings and recommendations on his motion plaintiff filed a document purporting to seek reconsideration. Dckt. No. 67. On May 27, 2009, the magistrate judge found plaintiff’s request for preliminary injunctive relief to be without merit and recommended that it be denied. Dckt.


_____ ¹ Plaintiff specifically addresses the motion to the magistrate judge. However, his motion seeks reconsideration of an order entered by the district judge.

1 No. 68. The undersigned conducted a de novo review of the case and entered an order on
2 September 30, 2009, adopting the findings and recommendation that the motion for temporary
3 restraining order and preliminary injunction be denied. Dckt. No. 104. That order necessarily
4 encompassed the arguments and new allegations of mail tampering asserted in premature motion
5 for "reconsideration" that was filed on May 14, 2009. Thus, the arguments that plaintiff asserts
6 in the May 14, 2009 motion for reconsideration have already been rejected by the court's
7 September 30, 2009 order adopting the May 27, 2009 Findings and Recommendation.

8 Thus, insofar as plaintiff seeks reconsideration of the September 30, 2009 order, that
9 request is denied.

10 Accordingly, it is ORDERED that plaintiff's May 14, 2009, motion for reconsideration is
11 denied.

12 Dated: November 9, 2009.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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