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

LEVON D. GRAHAM,

Plaintiff,

No. CIV S-07-2291 LKK GGH P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff directed a letter to the court clerk, dated November 10, 2009 (and docketed as filed on November 16, 2009), stating that he had been transferred from California State Prison - Sacramento to Salinas Valley State Prison on October 13, 2009, and that he has yet to be reunited with his legal property. Plaintiff asks for the court to issue a mandate to the receiving and release sergeant and/or the transportation sergeant to restore plaintiff's legal documents to him immediately and for the case to be "suspended" until the documentation is returned to him.

After prison transfers, there is often some period of time that elapses until inmates are reunited with their property, both legal and personal. It is likely that plaintiff will have access to his legal property shortly without intervention of the court. This court's review of the status of this case indicates that a Discovery and Scheduling Order was filed on October 9, 2009 (docket #

1 24). There does not appear to be an immediate court deadline that plaintiff must meet at this
2 time.

3 Accordingly, IT IS ORDERED that:

4 1. Plaintiff's request, filed on November 16, 2009 (docket # 25), for the court to
5 order the immediate return of plaintiff's legal property, and for this case to be "suspended" until
6 he receives his property, is denied at this time as premature;

7 2. Should plaintiff continue to be denied all access to his legal property beyond
8 45 days from filed date of this order, plaintiff may renew his request for access to the material, in
9 a properly filed motion with, at a minimum, an affidavit setting forth precisely how long he has
10 been denied access to his legal property, by whom and for what reason.

11 DATED: November 23, 2009

/s/ Gregory G. Hollows

12 _____
13 GREGORY G. HOLLOWS
14 UNITED STATES MAGISTRATE JUDGE

14 GGH:009
15 grah2291.ord2