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

SHAWN MARSHALL TOMPKINS,

Plaintiff,

No. CIV S-07-2346 GEB EFB P

vs.

STEPHENS, et al.,

Defendants.

ORDER


_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On November 16, 2009, plaintiff requested an order directing staff at Salinas Valley State Prison to provide him with greater access to the prison’s law library. Dckt. No. 28. Plaintiff claims that he has been in administrative segregation since September 4, 2009, and that in a 60-day period, he was allowed library access only once. He claims that he can only proceed in this action if he is given more frequent access to the law library. Plaintiff also notes that he was denied “Preferred Legal User” status because he does not have a court-imposed deadline for any filing. The court has reviewed the docket in this case and finds that plaintiff is not under a present obligation to submit documents within a time certain. Plaintiff has not shown any actual injury with respect to this litigation and therefore, has not demonstrated that his right of access to the courts is being impaired. *See Lewis v. Casey*, 518 U.S. 343, 348-49(1996). The court will

1 not set a deadline merely for the purpose of affording plaintiff additional library time.
2 Moreover, the docket reflects that on or around December 17, 2009, plaintiff was transferred
3 from Salinas Valley State Prison to Kern Valley State Prison, rendering the instant request moot.
4 Dckt. No. 33. *See Preiser v. Newkirk*, 422 U.S. 395, 402-03 (1975); *Johnson v. Moore*, 948 F.2d
5 517, 519 (9th Cir. 1991) (per curiam).

6 Accordingly, it is ORDERED that plaintiff's November 16, 2009 motion is denied
7 without prejudice.

8 Dated: May 3, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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