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

MARK ANTHONY MORENO,

Plaintiff,

No. CIV S-08-1344 JAM EFB P

vs.

DAVID MEDINA, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 8, 2011, plaintiff filed a document stating that his prison law library lacks the legal materials listed in *Gilmore v. California*, 220 F.3d 987 (9th Cir. 2000), and that the library only has three computer terminals. Dckt. No. 94. The court ordered defendants to respond to plaintiff’s allegations. Dckt. No. 96.

Defendants responded and submitted the declaration of N. Olsen, the senior law librarian at Kern Valley State Prison. Dckt. No. 97, Ex. A. Olsen declares that the library currently possesses all of legal materials required by title 15, section 3124 of the California Code of Regulations, which incorporates most of the requirements in *Gilmore*. *Id.* at 2. He declares that Kern Valley State Prison has twenty inmate-accessible computers in the library and in the administrative segregation units throughout the prison, which contain West publications,

1 including federal and state codes, case law, and digests. *Id.* The law library also has these  
2 materials in print. *Id.*

3 Plaintiff has not explained what materials he needs in order to litigate his case that are  
4 lacking from the law library. As noted in the court's previous order, plaintiff has already filed  
5 his opposition to defendants' motion for summary judgment. The court granted plaintiff an  
6 additional 30 days to file an amended opposition, but he did not file an amended opposition or  
7 request additional time for doing so. As plaintiff has not explained how he has been or will be  
8 prejudiced by the alleged lack of materials in the law library, his request that this court order the  
9 prison to obtain more materials is denied.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Defendants' motion for summary judgment is deemed submitted.

12 2. Plaintiff's request that the court order Kern Valley State Prison to obtain more  
13 materials for its law library is denied.

14 DATED: November 14, 2011.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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