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

ROBERT J. BARDO,

Plaintiff,

No. 2: 09-cv-1645 FCD KJN P

vs.

SUBIA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On December 27, 2010, plaintiff filed a letter with the court alleging that incoming mail containing information regarding this action was confiscated by prison officials in the mailroom. In particular, plaintiff alleges that a letter addressed to him from Jeremy Hall in Highland Heights, Kentucky was seized. On January 6, 2011, defendants were ordered to respond to this allegation.

On January 26, 2011, defendants informed the court that the letter sent to plaintiff by Jeremy Hall weighed over 13 ounces. California Code of Regulations, title 15, section 3133(a)(1) provides that the maximum weight of a first class letter is not to exceed 13 ounces. On December 31, 2010, mailroom staff notified plaintiff that the letter sent to him by Jeremy Hall was disapproved as it exceeded the 13 ounce weight limit. Plaintiff was given the option of

1 either having the mail returned to sender or destroyed. According to defendants, the mail from
2 Jeremy Hall was not opened by mailroom staff. Defendants state that plaintiff responded to the
3 mailroom on January 19, 2011 in the form on an inmate appeal. The confiscated letter is in the
4 mailroom and will remain there pending the outcome of the appeal.

5 Because prison officials did not mishandle the letter sent to plaintiff by Jeremy
6 Hall, the undersigned finds that plaintiff's claims regarding this matter are resolved.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's claims regarding the
8 mishandling of his mail contained in his December 27, 2010 letter to the court are deemed
9 resolved.

10 DATED: February 1, 2011

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13 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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