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

MACK A WEST, JR.,

Petitioner,

No. CIV S-09-3147 FCD DAD P

vs.

KATHLEEN DICKINSON, Warden,

Respondent.

ORDER

_____ /

On September 14, 2010, petitioner filed a motion seeking an order from the court requiring “respondent to furnish his legal property.” However, in his motion, petitioner fails to clearly explain what property he is allegedly missing, where his property might be held, or whether he has tried to resolve this matter through the normal prison administrative grievance process. The court will therefore deny petitioner’s motion without prejudice. Plaintiff may re-file his motion if his requests for administrative relief prove to be unfruitful.¹

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¹ The court notes that petitioner’s opposition, if any, to respondent’s September 9, 2010 motion to dismiss is due to be filed by October 9, 2010. In the event that petitioner is seeking additional time to file his opposition to that motion based upon an alleged lack of access to his legal materials, he is advised to file a motion for an extension of time specifically stating the grounds for that motion.

1 Accordingly, for the reasons set forth above, IT IS HEREBY ORDERED that
2 plaintiff's September 14, 2010 motion "to order respondent to furnish his legal property" (Doc.
3 No. 36) is denied without prejudice.

4 DATED: September 19, 2010.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

8 DAD:sj
9 west3147.mot(2)

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