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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

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed two motions seeking a court order requiring prison officials to provide him with his legal property so that he may respond to respondent’s pending motion to dismiss. In his motions, petitioner explains that he was recently transferred from the department of mental health to administrative segregation and is pursuing relief with respect to gaining access to his legal materials through the prison administrative grievance process. Under these circumstances, the court will deny petitioner’s motions without prejudice and will grant him an additional forty-five days to respond to the motion to dismiss.

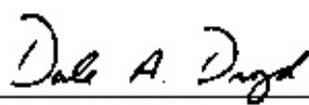
Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s October 5, 2010 and October 13, 2010 motions (Doc. Nos. 40 & 44) are denied without prejudice; and

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2. Petitioner shall file an opposition, if any, to respondent's motion to dismiss within forty-five days of the date of service of this order.

DATED: October 19, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
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