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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 7, 2010, respondent filed a motion to dismiss petitioner’s application for a writ of habeas corpus due to petitioner’s failure to exhaust his claims in state court. Petitioner has filed several requests for an extension of time to oppose the motion, all of which the court has granted. Petitioner, who recently transferred to a new prison, seeks one more extension of time to file his opposition in the form of a motion for a stay and abeyance. In the interest of justice, the court will grant petitioner a final extension of time to respond to respondent’s motion.

Petitioner also previously filed a motion for preliminary injunctive relief seeking a court order allowing him access to his legal materials. As noted above, petitioner has since transferred to a new prison. Therefore, the court will deny his motion for preliminary injunctive

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1 relief as moot. See Weinstein v. Bradford, 423 U.S. 147, 149 (1975); Dilley v. Gunn, 64 F.3d
2 1365, 1368-69 (9th Cir. 1995).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's February 28, 2011 motion for an extension of time (Doc. No. 49)
5 is granted;

6 2. Petitioner shall file and serve his opposition to respondent's motion to dismiss
7 within thirty days of the date of service of this order; and

8 3. Petitioner's motion for preliminary injunctive relief (Doc. No. 46) is denied as
9 moot.

10 DATED: March 5, 2011.

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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