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

JAVIER BALBUENA,

Petitioner,

No. 2:11-cv-0759 JAM KJN P

vs.

M.D. McDONALD, et al.,

Respondents.

ORDER

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On August 18, 2011, petitioner filed a motion for a 60 day extension of time to file a response to the August 1, 2011 motion to dismiss. Good cause appearing, this request is granted.

On August 18, 2011, petitioner also filed a motion requesting that the court order prison officials to return his legal property to him. Petitioner contends that on July 15, 2011, he was placed in administrative segregation at which time his legal property was placed in storage. Petitioner alleges that he has followed prison procedures in requesting access to his legal property, but prison staff have refused these requests.

Petitioner does not describe in detail his attempts to gain access to his legal property. For example, petitioner does not identify the prison officials who allegedly denied his requests for access to his legal property. Nor does petitioner give the dates on when these

1 requests were made. For these reasons, the undersigned finds that petitioner's motion is not  
2 adequately supported. If prison officials continue to deny petitioner access to his legal property,  
3 he may re-file his motion, but it must be adequately supported.

4 IT IS HEREBY ORDERED that:

5 1. Petitioner's August 18, 2011 motion for extension of time (Dkt. No. 18) is  
6 granted;

7 2. Petitioner shall file a response to the August 1, 2011 motion to dismiss within  
8 sixty days from the date of this order;

9 3. Petitioner's August 18, 2011 motion for access to his legal property (Dkt. No.  
10 19) is denied without prejudice.

11 DATED: August 24, 2011

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14 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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