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

GARY BURKE,

Plaintiff,

No. 2: 11-cv-2550 KJN P

vs.

MS. PREZLER-RILEY, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that \$1000 was deducted from his Trust Fund Account and sent to Elizabeth Roberts. Plaintiff alleges that he does not know Elizabeth Roberts and did not authorize the Trust Withdrawal.

A copy of the Trust Withdrawal Order is attached as an exhibit to plaintiff's complaint. Plaintiff alleges that the prison official who allegedly signed the form and approved the withdrawal, M. Taylor, has since informed plaintiff that he did not sign the form. Plaintiff's signature on this form also does not appear to match plaintiff's signature on the complaint.

As relief, plaintiff seeks a refund of the \$1000 withdrawn from his trust account and the \$350 filing fee for this action. The undersigned construes plaintiff's request for relief as a request for injunctive relief. Defendants are granted twenty-one days from the date of this

1 order to respond to plaintiff's request.

2 Accordingly, IT IS HEREBY ORDERED that:


3 1. Defendants are granted twenty-one days from the date of this order to respond  
4 to plaintiff's request for injunctive relief;

5 2. The Clerk of the Court is directed to serve this order on Supervising Deputy  
6 Attorney General Monica Anderson.

7 DATED: October 4, 2011

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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