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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH DUANE ARLINE, JR.,  
Plaintiff,  
v.  
R. GOWER, et al.,  
Defendants.

No. 2:11-cv-3414 WBS KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. On November 25, 2013, plaintiff filed a motion for injunctive relief seeking access to his legal materials so that he could oppose defendants’ motion for summary judgment. On December 6, 2013, plaintiff filed a notice stating that he was released from administrative segregation and received all the withheld legal materials. Plaintiff asked the court not to take action “because the matter [has] been resolved.” (ECF No. 49 at 1.) In addition, plaintiff filed his opposition to the motion for summary judgment on December 23, 2013. Accordingly, plaintiff’s motion is moot, and is denied without prejudice.<sup>1</sup>

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<sup>1</sup> On December 30, 2013, plaintiff filed a reply to defendants’ response to the motion for injunctive relief, claiming that despite the return of his legal materials, plaintiff suffered actual injury because his civil action, Case No. 1:11-cv-0410 LJO SAB, was “denied.” (ECF No. 56 at 1-2.) To the extent plaintiff contends he has suffered impaired access to the courts, he must raise such a claim in a new action after he has exhausted his administrative remedies. Moreover, the court notes that Case No. 11-cv-0410 LJO SAB remains open; plaintiff filed a second amended complaint on December 11, 2013.

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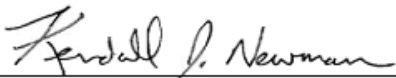
Defendants have filed a motion for extension of time to file a reply to plaintiff's opposition to defendants' motion for summary judgment. Good cause appearing, defendants' request is granted.

IT IS HEREBY ORDERED that:

1. Plaintiff's November 25, 2013 motion (ECF No. 46) is denied without prejudice;
2. Defendants' December 30, 2013 motion for an extension of time (ECF No. 55) is granted; and
3. Defendants shall file their reply on or before January 6, 2014.

Dated: January 2, 2014

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE