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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 GEORGE K. COLBERT,  
12 Plaintiff,

13 v.

14 D. LEININGER, et al.,  
15 Defendants.  
16

No. 2:13-cv-0382 KJM KJN P

ORDER

17 Plaintiff is a state prisoner who proceeds, in forma pauperis and without counsel, in this  
18 civil rights action filed pursuant to 42 U.S.C. § 1983. Presently before the court is plaintiff's  
19 motion for a temporary restraining order and a preliminary injunction. (ECF No. 58.)

20 Plaintiff avers that, while he was incarcerated at California State Prison-Sacramento  
21 ("CSP-SAC"), "agents of defendant [Correctional Officer] Leininger confiscated more of  
22 plaintiff[s] legal property to prevent litigation of [this case]." (ECF No. 58 at 3.) Plaintiff seeks  
23 an order from this court that would direct the return of the legal property in question. (Id.) It  
24 appears, from inmate grievances attached as exhibits to the instant motion, that plaintiff has  
25 sought return of the allegedly-confiscated materials from authorities both at CSP-SAC, where he  
26 was formerly incarcerated, and at Salinas Valley State Prison, where he is currently incarcerated.

27 In his moving papers, plaintiff fails to identify or describe (i) the specific legal property  
28 that he alleges was wrongfully confiscated, (ii) the circumstances under which the alleged


1 confiscation took place, (iii) the relevance of the allegedly-confiscated materials to plaintiff's  
2 case, and (iv) prison officials' response to plaintiff's grievances regarding the alleged  
3 confiscation. Absent such information, the court cannot rule on the merits of plaintiff's motion.  
4 Accordingly, the court will give plaintiff thirty days in which to provide this information to the  
5 court.

6 Based on the foregoing, IT IS HEREBY ORDERED that, no later than thirty days from  
7 the filing of this order, plaintiff shall file with the court a response that identifies or describes:

- 8 1. The specific legal materials that plaintiff alleges were wrongfully confiscated and not  
9 returned to his position;
- 10 2. Those circumstances of the alleged confiscation that are known to plaintiff, including  
11 the date on which the confiscation allegedly occurred, the identities of the persons that  
12 plaintiff believes are responsible for the alleged confiscation, and plaintiff's  
13 whereabouts during the alleged confiscation;
- 14 3. The relevance of the allegedly-confiscated materials to plaintiff's case; and
- 15 4. Prison officials' response to plaintiff's grievances regarding the alleged confiscation.

16 Once plaintiff has filed his response to this order, the court will proceed to address the  
17 merits of plaintiff's motion for a temporary restraining order and for a preliminary injunction.  
18 Plaintiff is cautioned that his failure to respond to this order in sufficient detail will likely result in  
19 denial of his motion.

20 Dated: October 1, 2015

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22 KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE

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