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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD CANADA,

Plaintiff,

v.

DOCTOR HAMKAR,

Defendant.

No. 2:14-cv-2990 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. On June 7, 2017, this action was temporarily stayed pending plaintiff’s release from the custody of the Department of State Hospitals and the return of his legal materials. On June 12, 2017, plaintiff filed a motion for court order for legal materials, along with a notice of change of address to Kern Valley State Prison, stating he was transferred on June 7, 2017. On June 15, 2017, plaintiff filed a second motion for court order to send legal materials, signed June 4, 2017, and sent from the California Medical Facility. Because plaintiff’s second motion is now superseded by his first motion, filed after he arrived at Kern Valley, his second motion is denied as moot. On June 19, 2017, plaintiff filed a motion to temporarily stay this action pending receipt of his legal materials. However, because this action was stayed temporarily on June 7, 2017, plaintiff’s motion is moot and is denied.

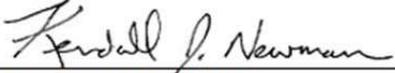
Because plaintiff arrived at Kern Valley on June 7, 2017, he must first request the return of his legal materials from prison officials. In this court’s experience, it may take a few weeks for

1 an inmate's personal property and legal materials to be returned after transfer. Plaintiff must use
2 the procedures in place at Kern Valley State Prison to seek return of his legal materials, and seek
3 the court's assistance only if such procedures are unavailing. Therefore, his motion is denied
4 without prejudice to its renewal.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motions (ECF Nos. 53 & 54) are denied as moot;
- 7 2. Plaintiff's motion for return of his legal materials (ECF no. 51) is denied without
8 prejudice.

9 Dated: June 21, 2017

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11 _____
12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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