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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY JEROME WOMACK,
Plaintiff,
v.
J. WINDSOR, et al.,
Defendants.

No. 2:15-cv-0533 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On March 7, 2018, plaintiff filed a request to withdraw his prior motion for reconsideration, as well as a motion for order to require prison officials to return his legal property. Plaintiff states that he received the findings and recommendations on February 26, 2018, and the next day he mailed his motion for reconsideration which was prepared from memory because when he transferred from California State Prison, Sacramento, to Pelican Bay State Prison, “his property was lost or being withheld by correctional staff.” (ECF No. 87 at 2.) Plaintiff seeks an order requiring prison officials to return his legal property, and once he receives his legal property, he will be able to file proper objections within ten days.


Good cause appearing, plaintiff’s request to withdraw his motion for reconsideration is granted. Plaintiff cannot file proper objections unless he has possession of his legal property. Thus, plaintiff’s request for order for return of his property is partially granted. Within seven

1 days from the date of this order, defendants shall file a report as to the status of plaintiff's legal
2 property, including whether or not plaintiff currently has possession thereof. Plaintiff is granted
3 an extension of time in which to file objections to the findings and recommendations. Plaintiff
4 shall file his objections within fourteen days from the date he receives his legal property.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's request to withdraw his motion for reconsideration (ECF No. 87) is granted;
- 7 2. Plaintiff's motion for reconsideration, docketed as objections (ECF No. 85), is
8 withdrawn;
- 9 3. Plaintiff's motion (ECF No. 86) is partially granted;
- 10 4. Within seven days from the date of this order, defendants shall file a status report
11 concerning plaintiff's legal property, as set forth above; and
- 12 5. Plaintiff shall file objections to the February 9, 2018 findings and recommendations
13 within fourteen days from the date he receives his legal property at Pelican Bay State Prison.
14 Defendants' reply shall be filed seven days thereafter.

15 Dated: March 13, 2018

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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