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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS MELGAR,  
Plaintiff,  
v.  
L. SCHMIDT, et al.,  
Defendants.

No. 2: 15-cv-2256 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s January 19, 2017 motion for an extension of time to file an opposition to defendant’s summary judgment motion. (ECF No. 32.)

In the pending motion, plaintiff alleges that he was recently transferred from High Desert State Prison (“HDSP”) to the Sierra Conservation Center (“SCC”). Plaintiff alleges that after his transfer, HDSP officials lost his legal property. Plaintiff requests that the court order prison officials to locate and return his legal property.

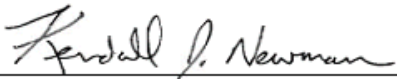
When inmates are transferred to a different prison, there is often a delay in their receipt of their legal property. For this reason, it is likely that plaintiff now has access to his legal property. Accordingly, plaintiff’s request that the court order prison officials to return his legal property is denied without prejudice. If plaintiff is still without access to his legal property, he may refile his motion requesting court assistance in obtaining access to his legal property. A refiled motion

1 must describe plaintiff's attempts to obtain access to the missing legal property.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion requesting that the court  
3 order prison officials to return his legal property (ECF No. 32) is denied without prejudice;  
4 plaintiff's motion for an extension of time to file an opposition to defendants' summary judgment  
5 motion (ECF No. 32) is granted; plaintiff is granted thirty days from the date of this order to file  
6 his opposition.

7 Dated: February 15, 2017

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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