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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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John Calvin Neuendorf, II,

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No. CV 10-752-PHX-RCB (DKD)

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Plaintiff,

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ORDER

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vs.

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John C. Lincoln Medical,

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Defendant.

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Pending in this closed case is Plaintiff’s “Motion for Writ of Mandamus” (Doc. 14), which the Court will deny as moot.

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I. Procedural Background

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On April 5, 2010, Plaintiff John Calvin Neuendorf, II, who is confined in the Maricopa County Fourth Avenue Jail, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). Plaintiff did not pay the \$350.00 civil action filing fee or file an Application to Proceed *In Forma Pauperis*. By Order filed April 27, 2010 (Doc. 3), the Court gave Plaintiff 30 days from the filing date of the Order to pay the fee or file a completed Application to Proceed *In Forma Pauperis* and a certified six-month trust account statement. On May 25, 2010, Plaintiff filed an Application to Proceed *In Forma Pauperis* (Doc. 4) and an “Inmate Account Statement” (Doc. 5). By Order filed August 3, 2010 (Doc. 6), Plaintiff’s Application to Proceed was granted, Plaintiff was assessed an initial partial filing fee, and the Complaint and this action were dismissed for failure to state a claim

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1 upon which relief may be granted. Judgment was entered on August 3, 2010 (Doc. 8).

2 On October 8, 2010, Plaintiff filed a Notice of Appeal (Doc. 10) in this action. On
3 February 18, 2011, the Mandate of the Ninth Circuit Court of Appeals was filed in this Court
4 (Doc. 15), dismissing Plaintiff's appeal for lack of jurisdiction.

5 **II. Pending Motion for Writ of Mandamus**

6 On January 24, 2011, Plaintiff filed his "Motion for Writ of Mandamus" (Doc. 14),
7 in which he requests that the Court order the Maricopa County Sheriff's Office at the Fourth
8 Avenue Jail to give Plaintiff a copy of all of his "X Rays taken in the Medical Department
9 to include Shoulder X Rays and cranial X Rays done last year."

10 Because Judgment was entered in this closed case on August 3, 2010, and Plaintiff's
11 appeal has been dismissed, the Court will deny Plaintiff's Motion as moot.

12 **IT IS ORDERED:**

- 13 (1) Plaintiff's "Motion for Writ of Mandamus" (Doc. 14) is **denied as moot**.
14 (2) This case **must remain closed**.

15 DATED this 17th day of March, 2011.

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20 Robert C. Broomfield
21 Senior United States District Judge
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