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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO CORTEZ BUCKLEY,	CASE NO. 1:04-cv-05622-LJO-MJS (PC)
Plaintiff,	ORDER DENYING AS MOOT PLAINTIFF'S
v.	MOTION FOR SCHEDULING ORDER
A. K. SCRIBNER, et al.,	(ECF No. 105)
Defendants.	

_____ /

Plaintiff Antonio Cortez Buckley, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on April 26, 2004 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The action proceeds on Plaintiff's First Amended Complaint (ECF No. 26) claims that Defendants Dotson, Parangan, Jarralimillio, Peck, Lerman,¹ and Ocegura² violated Plaintiff's First Amendment right to free exercise of religion. (ECF Nos. 29, 48, 51.) Defendants have answered. (ECF Nos. 53, 57.) The Court issued a Second Scheduling Order on May 7, 2013 (ECF No. 106), setting a pre-trial telephonic conference October 11, 2013 and a jury trial December 10, 2013.

Pending before the Court is Plaintiff's April 4, 2013 Motion for a scheduling order setting a trial date. (ECF No. 105.) Since the court issued its Second Scheduling Order on May 7, 2013, Plaintiff's April 4, 2013 Motion is moot and shall be denied on that

¹ Variouslly "Lerma".

² Now deceased.

1 basis.

2 Accordingly, for the reasons stated above, Plaintiff's Motion for a scheduling
3 order setting a trial date (ECF No. 105) is DENIED AS MOOT.

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5 IT IS SO ORDERED.

6 Dated: May 8, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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