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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BRUCE PATRICK HANEY,
Plaintiff,

vs.

R. SALDANA, et al.,
Defendants.

1:04-cv-05935-AWI-SMS-PC

ORDER DENYING MOTION TO
PROCEED IN OPEN COURT

(Document #55)

_____ /

Plaintiff, Bruce Patrick Haney ("Plaintiff"), is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on July 6, 2004. (Doc. 1.) This action now proceeds with the Third Amended Complaint filed on February 26, 2007, on Plaintiff's claims for deliberate indifference to serious medical needs under the Eighth Amendment against defendants Correctional Officer ("C/O") R. Saldana and Correctional Sergeant A. L. Nelson. (Doc. 26.) On April 9, 2010, Plaintiff filed a motion to proceed in open court with his motions to compel discovery responses. (Doc. 55.)

Local Rule 230

Plaintiff requests leave to proceed in open court with his motions to compel discovery responses, filed on September 9, 2009. (Doc. 50.) Under Local Rule 230, "[A]ll motions, except motions to dismiss for lack of prosecution, filed in actions wherein one party is incarcerated and proceeding in propria persona, shall be submitted upon the record without oral argument unless otherwise ordered by the Court." L.R. 230(1). Plaintiff, a prisoner proceeding pro se in this action, has not shown good cause

1 for his motions to be heard in open court. Therefore, Plaintiff's motions to compel shall be decided on
2 the record without oral argument.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to proceed in open court is
4 DENIED.

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6 IT IS SO ORDERED.

7 **Dated:** April 21, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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