

1 by plaintiff in case 1:10-cv-00069-LJO-SKO-PC on January 13, 2010, in which he claims defendants
2 violated his rights to adequate medical care. Plaintiff also refers the court to the motion for extension
3 of time he filed in the present action on June 3, 2010, in which he complains of multiple health
4 problems.

5 The present action proceeds only on plaintiff's claims for retaliation and for violation of his rights
6 to due process, and plaintiff's mental or physical condition is not in controversy in this action.¹ For this
7 reason, plaintiff's motion shall be denied.

8 **III. CONCLUSION**

9 Based on the foregoing, IT IS HEREBY ORDERED that plaintiff's motion for a physical and
10 mental examination under Rule 35 is DENIED.

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12 IT IS SO ORDERED.

13 **Dated: July 12, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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27 ¹All other claims were dismissed from this action on July 8, 2008. (Doc. 26.)