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

JAMES SMITH,

1:06-cv-01479 GSA (PC)

Plaintiff,

ORDER DENYING MOTION FOR  
EMERGENCY INJUNCTION RELIEF AS  
MOOT

vs.

FRAUENHEIN, et al.,

(Motion #26)

Defendants.

\_\_\_\_\_ /

Plaintiff is a prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On April 3, 2009, plaintiff file a motion for Emergency Injunction Relief. In light of the fact that plaintiff's case was dismissed on February 18, 2009, the motion is DENIED AS MOOT.

IT IS SO ORDERED.

**Dated: April 9, 2009**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE