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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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7 ALPHEOUS GORDON, aka  
8 ORVILLE OWEN,  
9 Plaintiff,

1: 07 CV 001480 OWW YNP SMS (PC)

10 vs.

ORDER RE MOTION (DOC 25)

11  
12 FRESNO COUNTY JAIL, et al.,  
13 Defendants.  
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15 Plaintiff is a federal prisoner proceeding pro se in a civil rights action against Fresno  
16 County officials. Pending before the Court is Plaintiff's motion filed on September 16, 2008.

17 Plaintiff styles his motion as a request for a copy of a video tape. Plaintiff refers to a  
18 video tape in general, and makes no reference to the custodian of the video tape. Further, a  
19 recommendation of dismissal of this action for failure to state a claim is pending before the  
20 District Court. No discovery order has been entered in this action, and Plaintiff is not entitled to  
21 engage in discovery.

22 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for the production of a  
23 video tape is denied.

24 IT IS SO ORDERED.

25 **Dated: September 21, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE