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

Gregory Lynn Norwood,

Plaintiff,

vs.

M. Robinson, et al.,

Defendants.

No. CV 08-00172-ROS

**ORDER**

On June 24, 2011, Plaintiff filed a document “request[ing] that the defendants’ motion to dismiss . . . be construed as a motion for summary judgment.” (Doc. 53). There is no motion to dismiss pending. Thus, the request to treat defendants’ motion to dismiss as a motion for summary judgment will be denied as moot. As set forth in the Court’s Order dated July 26, 2011, the parties should be proceeding with discovery.

Accordingly,

**IT IS ORDERED** the Motion Requesting the Motion to Dismiss be Construed as Motion for Summary Judgment (Doc. 53) is **DENIED AS MOOT**.

Dated this 30th day of August, 2011.

  
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Roslyn O. Silver  
Chief United States District Judge