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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICOLAS DAVID ANDREAS,

CASE NO. 1:08-cv-01410-LJO-GBC (PC)

Plaintiff,

ORDER DENYING MOTIONS AS MOOT

(Docs. 44, 45, 47)

v.

JAMES YATES, et al.,

Defendants.

\_\_\_\_\_ /

Nicolas David Andreas (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on September 8, 2008, and is proceeding on Plaintiff’s second amended complaint filed on March 16, 2009. (Docs. 1, 16, 19, 29).

On May 13, 2010, Plaintiff filed a motion for injunctive relief. (Doc. 44). On May 17 2010, Plaintiff filed a motion for clarification. (Doc. 45). On January 4, 2011, Plaintiff filed a motion for summary judgment. (Doc. 47). On March 14, 2011, the Court dismissed Plaintiff’s action without prejudice for failure to exhaust administrative remedies. Therefore, all pending motions in this action are moot.

Accordingly, IT IS HEREBY ORDERED that:

- 1. Plaintiff’s pending motions are DENIED as moot.

IT IS SO ORDERED.

**Dated: March 14, 2011**

**/s/ Lawrence J. O’Neill**  
**UNITED STATES DISTRICT JUDGE**