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

ARNOLD DEWALT BEVERLY,
Plaintiff,
v.
FEDERAL ELECTIONS
COMMISSION,
Defendant.

1: 08 - CV - 1538 AWI GSA
ORDER ON PLAINTIFF'S
MOTION FOR
APPOINTMENT AS
INDEPENDENT
PROSECUTORY
(Doc. No. 37)

On January 30, 2009, Plaintiff refiled a motion to be appointed as an independent prosecutor under RICO. However, this Court closed this case by order dated January 28, 2009, after it granted Defendant's Rule 12(b)(1) motion and denied Plaintiff's pending motions. See Court's Docket Doc. No. 35. This case remains closed.

Accordingly, IT IS HEREBY ORDERED that Defendant's January 30, 2009, motion is DENIED and this case REMAINS CLOSED.

IT IS SO ORDERED.

Dated: February 5, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE