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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CRAIG G. COOPER,

Plaintiff,

v.

JAMES A. YATES,

Defendant.

CASE NO. 1:09-cv-00085-AWI-YNP PC

ORDER DENYING MOTION

(Doc. 11)

Plaintiff Craig G. Cooper ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 26, 2009, Plaintiff filed a motion "to Put Plaintiff Cooper's Case on Calendar and Proceed to Trial." (Doc. #11.) Defendants have not yet been served with Plaintiff's complaint, and there has been no opportunity to conduct discovery or file dispositive motions. It is far too early to schedule a trial for this case. Plaintiff's motion is premature.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion to proceed to trial, filed on June 26, 2009, is DENIED.

IT IS SO ORDERED.

**Dated: February 24, 2010**

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