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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS OLIVEREZ, JR.,

Plaintiff,

v.

BEN ALBITRE, et al.,

Defendants.

CASE NO. 1:09-cv-00352-LJO-SKO PC

ORDER DENYING MOTION AS MOOT

(Doc. 39)

On January 9, 2012, Plaintiff Louis Oliverez, Jr., a state prisoner proceeding pro se and in forma pauperis in this civil rights action, filed a motion seeking re-service of Defendants' motion for summary judgment, which the Court referred to in its order of January 4, 2012.

A review of the record shows that Plaintiff filed a notice of change of address to Sierra Conservation Center on June 16, 2011, but Defendants served their motion for summary judgment on Plaintiff at California State Prison-Corcoran. However, on January 10, 2012, Defendants filed a notice stating that they discovered their mistake following receipt of Plaintiff's motion, and they have corrected their records and re-served their motion for summary judgment.

Accordingly, Plaintiff's motion for re-service is now moot and it is DENIED on that ground.

IT IS SO ORDERED.

Dated: January 11, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE