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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,

Plaintiff,

v.

N. GRANNIS, et al.,

Defendants.

CASE NO. 1:09-cv-01076-SMS PC

ORDER DENYING MOTION TO WITHDRAW
CONSENT

(Doc. 19)

ORDER STRIKING DUPLICATIVE MOTION

(Doc. 24)

ORDER STAYING ACTION

(Doc. 21)

Plaintiff Ruchell Cinque Magee is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On October 27, 2009, Plaintiff filed a motion seeking to withdraw his consent to United States Magistrate Judge jurisdiction. Plaintiff filed a second, duplicative motion on November 3, 2009, which shall be stricken from the record.

Plaintiff consented to United States Magistrate Judge jurisdiction on August 31, 2009, and this action is assigned to the undersigned pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California. Plaintiff's disagreement with the Court's rulings provides no basis for the withdrawal of his earlier consent, and this case will remain assigned to the undersigned. Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993). Further, Plaintiff's allegations of bias are unfounded and without merit. E.g., Pesnell v. Arsenault, 543 F.3d 1038, 1043-44 (9th Cir. 2008); Hasbrouck v. Texaco, Inc., 842 F.2d 1034, 1045 (9th Cir. 1988).

1 On October 30, 2009, Plaintiff filed a notice of appeal of the Court's order denying him leave
2 to proceed in forma pauperis in this action. This action shall be stayed pending resolution of
3 Plaintiff's appeal.

4 Accordingly, it is HEREBY ORDERED that

- 5 1. Plaintiff's motion to withdraw consent, filed October 27, 2009, is DENIED, with
6 prejudice;
- 7 2. Plaintiff's duplicative motion, filed November 3, 2009, is STRICKEN from the
8 record; and
- 9 3. This action is stayed pending resolution of Plaintiff's appeal.

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13 IT IS SO ORDERED.

14 **Dated:** November 10, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE