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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,

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

Plaintiff,

ORDER STRIKING MOTION

v.

(Doc. 28)

N. GRANNIS, et al.,

Defendants.

\_\_\_\_\_ /  
This is a civil rights action filed by Plaintiff Ruchell Cinque Magee, a state prisoner proceeding pro se. Pursuant to the Court’s order filed November 10, 2009, this action is stayed pending resolution of Plaintiff’s appeal. On November 16, 2009, Plaintiff filed what he entitled an “Application for Clearance Regarding Appeal.”

The motion has no legal merit and seeks no legitimate relief from this Court regarding the pending appeal. Therefore, the motion is not exempt from the stay in this action, and will not be considered. The motion is HEREBY ORDERED STRICKEN from the record.

IT IS SO ORDERED.

**Dated:** November 18, 2009

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE