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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 DENYING MOTION AS MOOT

v.

(Doc. 44)

N. GRANNIS, et al.,

Defendants.

\_\_\_\_\_ /  
This is a civil rights action filed by Plaintiff Ruchell Cinque Magee, a state prisoner proceeding pro se. On May 6, 2010, Plaintiff filed a motion for records to be submitted for his appeal.

Plaintiff's notice of appeal was processed on May 6, 2010 such that the records applicable to Plaintiff's appeal have already been forwarded to the Ninth Circuit. (Doc. 43.) Thus, Plaintiff's request for records to be submitted for his appeal is moot.

Accordingly, Plaintiff's motion for records on direct appeal, filed on May 6, 2010, is HEREBY DENIED as moot.

IT IS SO ORDERED.

**Dated:** May 10, 2010

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE