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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ERNEST ANAYA,
Plaintiff,

CASE NO. 1:09-cv-01653-DLB (PC)
ORDER DENYING OBJECTIONS
(Doc. 17)

v.

HERRINGTON, et al.,
Defendants.

_____ /

Plaintiff Richard Ernest Anaya (“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 January 19, 2010, Plaintiff filed an “Objections to Magistrate Denial of Amended Complaint.” (Doc. 17.) Plaintiff appears to contend that the December 11, 2009 order of the United States Court of Appeals for the Ninth Circuit (Doc. 15) would erroneously dismiss Plaintiff’s amended complaint. Plaintiff then requests review of the Magistrate Judge’s order.

As previously stated, the December 11, 2009 order was issued by the Ninth Circuit, not by the undersigned. The order from the Ninth Circuit only states that Plaintiff’s petition for writ of mandamus and all pending motions are denied as moot. However, this would **not** include Plaintiff’s amended complaint. Plaintiff’s amended complaint is not a motion before the Ninth Circuit, but is pending before **this** Court for screening. Plaintiff’s objections are thus incorrect.

Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s objections, filed on January 19, 2010, are DENIED.

IT IS SO ORDERED.

Dated: January 21, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE