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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

| | | |
|---------------------|---|---------------------------------|
| LUPE NIETO JR., |) | Case No.: 1:10-cv-01397 AWI JLT |
| |) | |
| Plaintiff, |) | ORDER RECLASSIFYING MATTER AS A |
| |) | PRISONER ACTION |
| v. |) | |
| |) | |
| DRAKE HODGE et al., |) | |
| |) | |
| Defendant. |) | |

Lupe Nieto, Jr. (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983 against, Drake Hodge, the sole remaining defendant.

According to Local Rule 101, “Prisoner Actions” are ones in which the plaintiff is a person in custody who is seeking “. . . any relief authorized by 42 U.S.C. § 1981 et seq . . .” Thus, though this matter has been treated as a “prisoner action” since its inception, it has been classified as a “civil” action. As a result, routinely generated orders, such as discovery and scheduling orders, etc., have not yet issued.

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Therefore, the Court **ORDERS** this matter SHALL be reclassified as a prisoner action.

IT IS SO ORDERED.

Dated: May 23, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE