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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOUGLAS C. BOYACK, et al.,

CASE NO. 1:11-cv-00416-AWI-SKO

Plaintiffs,

ORDER DENYING “MOTION FOR PROSECUTION” AS MOOT

v.

ERIC RICHARD ELESON,

(Docket No. 17)

Defendant.

On June 2, 2011, Defendant filed an “ex parte notice and motion for prosecution for obstruction of justice and conspiracy to obstruct.” (Doc. 14.) On June 6, 2011, Judge Ishii adopted the April 22, 2011, Findings and Recommendations that the matter be remanded to the Tuolumne County Superior Court. (Doc. 15.) Plaintiff’s motion does not have any bearing on the Court’s order to remand the case and is moot in light of the subsequent remand order.

Accordingly, Plaintiff’s “motion for prosecution for obstruction of justice and conspiracy to obstruct” is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: June 21, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE