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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COLIN M. RANDOLPH,  
Plaintiff,  
v.  
B. NIX, et al.,  
Defendants.

CASE NO. 1:12-cv-00392-LJO-MJS (PC)  
**ORDER DENYING MOTION ALERTING THE  
COURT THAT WARDEN FAILED TO OBEY  
COURT ORDER**  
**(ECF No. 98)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendant Akano on Plaintiff's Eighth Amendment medical indifference claim. (ECF No. 19.)

On January 28, 2016, the Court issued an order directing staff at Plaintiff's institution to facilitate a telephone call between Plaintiff and proposed volunteer counsel. (ECF No. 92.) Apparently, however, on the date of the scheduled call, Plaintiff was transferred to another institution and the call did not occur. (See ECF No. 98.)

Before the Court is Plaintiff's motion seeking to hold the Warden in contempt and requesting a new order to facilitate said call. (ECF No. 98.) Since the submission of Plaintiff's motion, Plaintiff has spoken with the proposed counsel and counsel has been

1 appointed for Plaintiff. (ECF No. 99.)

2 Accordingly, Plaintiff's motion is HEREBY DENIED as moot.

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4 IT IS SO ORDERED.

5 Dated: February 19, 2016

1st Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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