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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
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6 MIGUEL ENRIQUE DIAZ,
7 Plaintiff
8 v.
9 CAPTAIN VASQUEZ, et al.,
10 Defendants.
11

CASE No. 1:12-cv-00732-SAB (PC)
ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS AS MOOT
(ECF No. 25)

12 Plaintiff Miguel Enrique Diaz ("Plaintiff") is a state prisoner proceeding pro se in this civil
13 rights action filed pursuant to 42 U.S.C. § 1983. This action was filed on May 4, 2012. (ECF No.
14 1.) On February 25, 2013, the Court dismissed this action, with prejudice, for failure to state a
15 claim. (ECF No. 23.) On February 25, 2013, Plaintiff filed a motion to proceed in forma
16 pauperis. (ECF No. 25.) On March 29, 2013 Plaintiff filed a notice of appeal. (ECF No. 26.) On
17 July 9, 2013, the Ninth Circuit dismissed the appeal for lack of jurisdiction due to the
18 untimeliness of Plaintiff's appeal. (ECF No. 30.) On August 9, 2013, the Ninth Circuit issued the
19 mandate for its previous ruling. (ECF No. 31.) Accordingly,

20 IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis is
21 DENIED as MOOT.

22 IT IS SO ORDERED.

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24 Dated: August 12, 2013

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27 UNITED STATES MAGISTRATE JUDGE
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