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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**
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9 HOMER TYRONE LEWIS,) 1:12-cv-00856-LJO-BAM (PC)
10 Plaintiff,)
11 v.) ORDER DENYING DEFENDANTS'
12 KATHLEEN ALISON, et al.,) MOTION FOR PROTECTIVE ORDER
13 Defendants.) STAYING DISCOVERY PENDING
14) RESOLUTION OF MOTION TO DISMISS
15) AS MOOT
16) (ECF No. 47)
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16 Plaintiff Homer Tyrone Lewis ("Plaintiff") is a state prisoner proceeding in forma
17 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 30, 2014, Defendants
18 Allison, Parra and Garza filed a motion to dismiss. (ECF No. 33.)

19 On June 26, 2014, Defendants filed a motion for protective order seeking a stay of
20 discovery as to Defendants Allison, Parra and Garza pending resolution of the motion to dismiss.
21 (ECF No. 47.)

22 On July 29, 2014, the undersigned issued Findings and Recommendations on
23 Defendants' motion to dismiss, recommending partially granting the motion and dismissing the
24 action as to Defendants Parra and Garza. (ECF No. 57.)

25 On November 6, 2014, the District Court adopted the Findings and Recommendations
26 regarding Defendants' motion to dismiss in full and dismissed Defendants Parra and Garza from
27 this action. (ECF No. 79.)
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1 Based on resolution of Defendants' motion to dismiss, a protective order staying
2 discovery pending its resolution is no longer necessary. Accordingly, Defendants' motion for
3 protective order, filed on June 26, 2014, is DENIED as moot.

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5 IT IS SO ORDERED.

6 Dated: November 7, 2014

/s/ Barbara A. McAuliffe
7 UNITED STATES MAGISTRATE JUDGE
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