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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

CALIFORNIA DEPT. OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:12-cv-00906-LJO-SKO (PC)

ORDER DISMISSING INJUNCTIVE
RELIEF CLAIM AND DEFENDANT
BEARD

(Doc. 74)

Plaintiff John Fratus, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 4, 2012. This action is proceeding on Plaintiff's second amended complaint against Defendants Callow and Beard for violation of Plaintiff's Fourteenth Amendment right to procedural due process.

On October 14, 2015, Plaintiff filed a request for dismissal of his claim for injunctive relief and Defendant Beard, who is named only in his official capacity. *Hartmann v. California Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1127 (9th Cir. 2013). Defendants filed a notice of non-opposition, in compliance with the Court's order filed on October 16, 2015.

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Accordingly, Plaintiff's injunctive relief claim and Defendant Beard are HEREBY
DISMISSED from this action. Fed. R. Civ. P. 41(a)(2).

IT IS SO ORDERED.

Dated: October 26, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE