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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 C. DWAYNE GILMORE,

12 Plaintiff,

13 vs.

14 D. AUGUSTUS, et al.,

15 Defendants.  
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1:12-cv-00925-GSA-PC

ORDER DENYING MOTIONS AS MOOT  
(Docs. 75, 76.)

18 C. Dwayne Gilmore (“Plaintiff”) is a state prisoner proceeding pro se and in forma  
19 pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint  
20 commencing this action on June 7, 2012. (Doc. 1.) This action now proceeds on the First  
21 Amended Complaint filed on March 8, 2013, against defendants Correctional Officer (C/O) C.  
22 Lockard, C/O C. Lopez, C/O J. Hightower, and C/O J. J. Torres for excessive force, and against  
23 defendant C/O J. J. Torres for denial of adequate medical care, in violation of the Eighth  
24 Amendment.<sup>1</sup>

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26 <sup>1</sup> On November 18, 2013, the court issued an order dismissing all other claims and defendants from this  
27 action for failure to state a claim. (Doc. 17.) Defendants Lieutenant D. Augustus, Sergeant J. S. Diaz, Licensed  
28 Vocational Nurse (LVN) A. Serna, LVN B. Ismat, LVN I. Bari, LVN J. Canada, LVN Z. Nartume, and John Doe  
were dismissed from this action based on Plaintiff’s failure to state any claims against them upon which relief may  
be granted under §1983, and Plaintiff’s claims based on supervisory liability and claims for conspiracy and  
violation of due process were dismissed from this action for Plaintiff’s failure to state a claim under § 1983. (Id.)

1 On September 4, 2014, Plaintiff filed two motions for the court to rule on his motion to  
2 compel which was filed on July 17, 2014. (Docs. 75, 76.) In light of the fact that the court  
3 issued an order on September 2, 2014, denying Plaintiff's motion to compel of July 17, 2014,  
4 both of Plaintiff's motions are moot and shall be denied as such.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motions filed on April 25,  
6 2014, are DENIED as moot.

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8 IT IS SO ORDERED.

9 Dated: September 8, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE