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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DAVID SAFIDI CAUTHEN, JR.,

Plaintiff,

v.

RIVERA et al.,

Defendants.

Case No. 1:12cv01747 LJO DLB (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR COURT ORDER AS MOOT

(Document 26)

Plaintiff David Safidi Cauthen, Jr. ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 26, 2012. The action is proceeding on (1) excessive force in violation of the Eighth Amendment against Defendants Rivera, Negrete, Northcutt, Arreola, King and Waddle; (2) unreasonable search in violation of the Fourth and Eighth Amendments against Defendants Rivera, Negrete and Waddle; (3) deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendant Mackey; and (4) violation of the First Amendment and RLUIPA against Defendants Rivera, Negrete and Waddle.

On August 22, 2013, Defendants Arreola, Mackey, Negrete, Northcutt, Rivera and Waddle filed a motion to dismiss. The motion is currently pending.

On September 26, 2013, Plaintiff filed a request that this Court order Warden Biter to locate and ship his personal property to his new place of incarceration. Plaintiff had only recently been

1 transferred, and filed the request prior to receiving responses to his informal and formal appeals.  
2 Plaintiff indicated that his legal property was necessary to allow him to file an opposition to  
3 Defendants' Motion to Dismiss.

4 On October 3, 2013, Plaintiff filed his opposition and did not indicate that his legal property  
5 had not been returned. Accordingly, in light of the fact that Plaintiff has been able to file an  
6 opposition on the merits and that his property has most likely been delivered, Plaintiff's motion is  
7 DENIED AS MOOT.

8  
9 IT IS SO ORDERED.

10 Dated: October 31, 2013

/s/ Dennis L. Beck  
11 UNITED STATES MAGISTRATE JUDGE