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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRILO ALMAZEN TRUJILLO,

Plaintiff,

vs.

UNITED STATES GOVERNMENT,

Defendant.

1:13-cv-00648-MJS (PC)
1:12-cr-00303-AWI-BAM-1

ORDER (1) DISMISSING CASE WITHOUT
PREJUDICE (2) DIRECTING CLERK TO
FILE DOCUMENTS IN THE PENDING
CRIMINAL MATTER

CLERK TO CLOSE CASE

Plaintiff Cirilo A. Trujillo, a California State prisoner proceeding pro se, initiated this action in the United States District Court for the Central District of California by lodging a Notice and Demand for Trial. (ECF No. 1-1.) The action was transferred to this Court on April 18, 2013 and opened as a civil rights action. (ECF No. 2.)

Plaintiff is currently in state custody at the California Institution for Men in Chino. There are federal criminal charges pending against him in this Court in USA v. Trujillo, 1:12-cr-00303-AWI-BAM-1. He demands that he be brought before this Court for trial on the charges.

It appears Plaintiff intended his Notice and Demand be filed in the above criminal matter. The Notice and Demand does not appear to claim or state a federal rights violation for which relief is available under 42 U.S.C. § 1983. Accordingly, the instant civil rights action shall be dismissed without prejudice.

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For the reasons stated above it is HEREBY ORDERED that:

1. The instant action, 1:13-cv-00648-MJS (PC), is DISMISSED WITHOUT PREJUDICE, the Clerk of the Court shall terminate all pending motions therein and close the case;
2. The Clerk of the Court is directed to file the Notice and Demand for Trial filed in the instant action (ECF No. 1-1) in the pending criminal proceeding, 1:12-cr-00303-AWI-BAM-1;
3. The Clerk of the Court is directed that any and all documents received for filing in 1:13-cv-00648-MJS (PC) shall instead be filed in the pending criminal proceeding, 1:12-cr-00303-AWI-BAM-1; and
4. The Clerk of the Court is directed to file this Order in both 1:13-cv-00648-MJS (PC) and 1:12-cr-00303-AWI-BAM-1.

IT IS SO ORDERED.

Dated: May 17, 2013

Michael J. Seng
UNITED STATES MAGISTRATE JUDGE