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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HENRY EUGENE HARRIS,
Plaintiff,
v.
DR. JUAN CALZETTA, et al.,
Defendants.

CASE NO. 1: 13-cv-001088-MJS
**ORDER DENYING PLAINTIFF'S MOTION
TO STAY AND ABEY
(ECF NO. 78)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on an Eighth Amendment medical indifference claim against Defendant Calzetta. The case is before the undersigned pursuant to the consent of the parties.

Pending before the Court is Plaintiff's April 21, 2016, motion to stay this action pending resolution of an appeal that he filed in the Ninth Circuit Court of Appeals. That appeal, which stems from the undersigned's denial of Plaintiff's request for subpoena forms (ECF No. 68), was dismissed on May 19, 2016, for lack of jurisdiction (ECF No. 80). Plaintiff's motion will therefore be denied.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to stay and abey (ECF No. 78) is DENIED as moot.

IT IS SO ORDERED.

Dated: June 6, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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