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

DURRELL A. PUCKETT,)	Case No.: 1:14-cv-00290-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION
v.)	FOR COURT TRIAL
)	
K. BRANDON,)	[ECF No. 39]
)	
Defendant.)	
)	
)	

Plaintiff Durrell A. Puckett is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion for a bench trial, filed March 4, 2016. Pursuant to Federal Rule of Civil Procedure 38(d), “[a] party waives a jury trial unless its demand is properly served and filed. A proper demand may be withdrawn only if the parties consent.” Fed. R. Civ. P. 38(d).

Defendant demanded a trial by jury in her answer filed on September 2, 2014. (ECF No. 12, Answer at 3:2-3.) Thus, in order to dispense with a trial by jury, Plaintiff must obtain consent from Defendant. Accordingly, Plaintiff’s motion for a bench trial is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: March 10, 2016



 UNITED STATES MAGISTRATE JUDGE