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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DALE OWEN DUSTIN,

 Plaintiff,

 v.

GIPSON, et al.,

 Defendants.

Case No. 1:14-cv-00757 AWI DLB PC

ORDER DENYING PLAINTIFF’S MOTION
TO DISQUALIFY MAGISTRATE JUDGE

(Document 28)

Plaintiff Dale Owen Dustin (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action was transferred to this Court on May 16, 2014.

On June 9, 2014, the Court screened Plaintiff’s complaint and dismissed it with leave to amend. Plaintiff has not yet filed an amended complaint, though the time for doing so has not yet expired.

On June 30, 2014, Plaintiff filed his second request to disqualify the magistrate judge. Other than questioning judge’s intelligence, Plaintiff presents no arguments that would alter the Court’s order denying his first request. Insofar as faults the Court for omitting any reference to California Code of Civil Procedure section 170.6, Plaintiff is informed that this action is in *federal* Court and is governed by the *Federal* Rules of Civil Procedure.

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Plaintiff's motion is DENIED.¹

IT IS SO ORDERED.

Dated: July 3, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff is reminded that if he threatens a federal judge, the threat(s) will be passed on to the appropriate law enforcement agency.