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

RALPH GARBARINI,)	Case No.: 1:14-cv-01058-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING DEFENDANTS' MOTION
v.)	TO STAY AS MOOT
)	
WAYNE ULIT, et al.,)	[ECF No. 45]
)	
Defendants.)	
)	
)	

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

On September 3, 2015, Defendants filed a motion to stay the action pending Plaintiff's appeal of the Court's dismissal of Plaintiff's request for monetary damages from Defendants in their official capacities under the Eleventh Amendment. (ECF No. 40.) On September 16, 2015, the Ninth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction. (ECF No. 46.) Accordingly, Defendants' motion to stay this action is DENIED as MOOT.

IT IS SO ORDERED.

Dated: September 16, 2015



 UNITED STATES MAGISTRATE JUDGE