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

AVERY HYPOLITE,) Case No.: 1:14-cv-01199-LJO-SAB (PC)
)
 Plaintiff,)
)
 v.) ORDER DENYING PLAINTIFF’S MOTION
) FOR ORDER DIRECTING THE CALIFORNIA
) DEPARTMENT OF CORRECTIONS AND
 R. ZAMORA,) REHABILITATION TO ALLOW INMATE
) WITNESS TO APPEAR IN PRISON KHAKIS
 Defendant.) DURING TRIAL
)
) (Doc. 89)

Plaintiff Avery Hypolite is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds to trial on Plaintiff’s claim of excessive force against Defendant R. Zamora, and jury trial is set for May 23, 2017, at 8:30 a.m. before the undersigned.

Currently before the Court is Plaintiff’s motion for an order directing the California Department of Corrections and Rehabilitation (CDCR) to allow inmate, Jesse Washington, to wear prison khakis at trial in this matter, filed May 1, 2017.

On March 30, 2017, the Court denied Plaintiff’s request for the attendance of inmate witness, Jesse Washington, to be transported to trial in this matter. (Order at 3:22-4:19, Doc. 78.) Accordingly, Plaintiff’s request for inmate Washington to appear in prison khakis is denied as moot.

IT IS SO ORDERED.

Dated: May 2, 2017)
)
) /s/ Lawrence J. O’Neill
) UNITED STATES CHIEF DISTRICT JUDGE