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

SAMMY R. QUAIR, SR.,)	Case No.: 1:14-cv-01616-BAM (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION FOR
)	JURY TRIAL
v.)	(ECF No. 9)
)	
VENTO, et al.,)	
)	
Defendants.)	
)	

Plaintiff Sammy R. Quair, Sr., (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on October 16, 2014, and requested a jury trial. (ECF No. 1, p. 13.) On December 12, 2014, Plaintiff filed a second demand for a jury trial. (ECF No. 9.)

Consistent with Plaintiff’s request, claims brought under 42 U.S.C. § 1983 are triable by jury. City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 709 (1999); Fed. R. Civ. P. 38(a). Accordingly, unless the parties later stipulate to a court trial, this action shall remain a jury action. Fed. R. Civ. P. 39(a).

Based on the foregoing, Plaintiff’s motion demanding a jury trial is DENIED.
IT IS SO ORDERED.

Dated: June 8, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE