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

ALBERT J. HAMILTON,)	Case No.: 1:15-cv-00661-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER OVERRULING PLAINTIFF'S
v.)	OBJECTION TO COURT'S ORDER DENYING
)	REQUEST FOR BENCH TRIAL
CLENDEHEN,)	
)	[ECF No. 73]
Defendant.)	
)	
)	

Plaintiff Albert J. Hamilton 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 objection to the Court's February 3, 2017, order denying, without prejudice, his request for a bench trial, filed March 6, 2017.

On February 13, 2017, the Court denied, without prejudice, Plaintiff's motion for a bench trial noting that Defendant demanded a trial by jury in his answer and in order to dispense with a trial by jury, Plaintiff must obtain the consent from Defendant. By way of his current motion, Plaintiff seeks consent from Defendant to a bench trial. Plaintiff is advised that if and when Defendant consents to a bench jury a stipulation signed by both parties may be submitted to the Court, and Plaintiff should not

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seek consent from Defendant by way of motion filed with the Court. Accordingly, Plaintiff's objection to the Court's February 13, 2017, order is overruled.

IT IS SO ORDERED.

Dated: March 7, 2017


UNITED STATES MAGISTRATE JUDGE