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

SALVADOR CERVANTES,  
Plaintiff,  
v.  
OFFICER B. LINDSEY,  
Defendant.

Case No. 1:16-cv-00343-LJO-BAM  
ORDER DIRECTING CLERK OF THE  
COURT TO ADMINISTRATIVELY  
REDESIGNATE CASE AS A PRISONER  
ACTION  
ORDER VACATING ASSIGNMENT TO  
DISTRICT JUDGE  
ORDER VACATING INITIAL  
SCHEDULING CONFERENCE  
ORDER VACATING JUNE 24, 2016  
HEARING DATE

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Plaintiff Salvador Cervantes filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendant Officer B. Lindsey. The action was administratively designated as a regular civil action. Shortly thereafter, Plaintiff, through his counsel, consented to magistrate judge jurisdiction. (ECF No. 6.)

On May 23, 2016, Defendant filed a motion to dismiss Plaintiff's complaint. (ECF No. 8.) Defendant also noticed a hearing on the motion to dismiss for June 24, 2016, at 9:00 a.m., before the undersigned.

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1 The Court has reviewed the complaint and determined that the present action involves a  
2 prisoner litigating the conditions of his confinement. Consequently, the administrative designation  
3 should reflect this, and this matter should proceed according to the rules governing actions  
4 involving a prisoner litigating the conditions of his confinement. This includes Local Rule 230(l)  
5 on motions in prisoner actions.<sup>1</sup> Thus, the motion to dismiss shall be submitted upon the record  
6 without oral argument. This matter is also excepted from the mandatory scheduling conference  
7 requirement, pursuant to Local Rule 240(c)(8).

8 Accordingly, it is HEREBY ORDERED as follows:

- 9 1. The Clerk of the Court SHALL change the administrative designation of the present  
10 case to reflect that of a prisoner litigating the conditions of his confinement;
- 11 2. The assignment of this matter to a District Judge is VACATED;
- 12 3. The Clerk of the Court SHALL designate the case number in this action as follows:  
13 Case No. 1:16-cv-00343-BAM (PC);
- 14 4. The Initial Scheduling Conference set for July 21, 2016, is VACATED; and
- 15 5. The hearing on the motion to dismiss set for June 24, 2016, is VACATED.

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17 IT IS SO ORDERED.

18 Dated: May 23, 2016

/s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> Plaintiff is represented by counsel in this case. Although Local Rule 230(l) and certain other local rules refer to actions wherein one party is incarcerated and proceeding in propria persona, the parties are advised that the Court generally applies these same rules to matters in which Plaintiff is represented by counsel.