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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
MARTIN BITER, et al.,
Defendants.

Case No. 1:16-cv-01741-LJO-MJS (PC)
**ORDER DENYING MOTION FOR SEPARATE
DEPOSITION HEARINGS**
(ECF NO. 105)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on the following claims: an Eighth Amendment claim for deliberate indifference to a serious medical need against defendants Lozovoy and Relevante, an Eighth Amendment conditions of confinement claim against defendants Ferris and Godfrey, and a First Amendment retaliation claim against defendants Ferris and Godfrey.

Before the Court is Plaintiff's March 5, 2018 motion seeking to be deposed on his claims against Lozovoy and Relevante separately from his claims against Ferris and Godfrey. (ECF No. 105.) Defendants respond to the motion stating that the issue was

1 resolved informally and Plaintiff's deposition was conducted without incident on March
2 14, 2018. (ECF No. 109.) Plaintiff filed no response.

3 In light of Defendants' representations, Plaintiff's motion is moot and on that basis
4 is HEREBY DENIED.

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6 IT IS SO ORDERED.

7 Dated: March 30, 2018

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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