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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,

Plaintiff,

v.

WARDEN BITER, et al.,

Defendants.

CASE NO. 1:16-cv-01741-DAD-MJS (PC)

**ORDER DECLINING TO IMPOSE
SANCTIONS ON COUNSEL FOR
DEFENDANTS LOZOVY AND
RELEVANTE**

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 Plaintiff's Eighth Amendment claim for medical indifference against Defendants Lozovoy and Relevante and Eighth Amendment conditions of confinement and First Amendment retaliation claims against Defendants Ferris and Godfrey.

On July 20, 2017, the Court ordered counsel for Defendants Lozovoy and Relevante to file a declaration explaining the apparent delay in retaining counsel for Defendants Ferris and Godfrey in this litigation. (ECF No. 37.) On July 27, 2017, counsel for Defendants Lozovoy and Relevante filed a declaration reasonably explaining the said delay. (ECF No. 41.)

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In light of counsel's response, the Court declines to impose sanctions on counsel for Defendants Lozovoy and Relevante.

IT IS SO ORDERED.

Dated: August 18, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE