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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL LENOIR SMITH,

11 Plaintiff,

No. CIV S-05-1257 GEB KJM P

12 vs.

13 STATE OF CALIFORNIA, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a California prisoner proceeding pro se with an action for violation of
17 civil rights under 42 U.S.C. § 1983. He has filed a motion asking that this matter be set for trial.
18 This matter cannot be set for trial until the district court judge assigned to this case rules on
19 defendant's August 31, 2009 motion for reconsideration. Therefore, plaintiff's July 27, 2009
20 request that this matter be set for trial (#84) is denied.

21 DATED: September 10, 2009.

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23 _____
24 U.S. MAGISTRATE JUDGE

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