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

WILLIAM ROUSER,

Plaintiff,

No. CIV S-07-1107 JAM GGH P

vs.

K. RUTHERFORD, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action. On November 20, 2009, plaintiff filed a motion requesting that the court order that tapes of a recorded conversation between himself and Suzy Watkins be played to the jury. Plaintiff argues that he is contending the transcript of the tape is not accurate.

Plaintiff's motion is premature because it is not clear whether this action will proceed to trial. If this action goes to trial, plaintiff may renew his motion if appropriate.

Accordingly, IT IS HEREBY ORDERED that plaintiff's November 20, 2009, motion for the tape recording to be played to the jury (no. 51) is denied without prejudice.

DATED: December 16, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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