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

DOCK MCNEELY,

Petitioner,

No. 2:08-cv-0175 LEW JFM P

vs.

JOHN MCGINNESS, et al.,

Respondents.

ORDER

On December 8, 2008, the Court of Appeals for the Ninth Circuit entered its mandate summarily affirming the district court's order terminating the instant action. Thus, petitioner's December 9, 2008 motion to vacate this court's December 3 order is not well taken and will be denied. Petitioner's request for release pending appeal will also be denied. As noted in this court's December 3, 2008 order, no orders will issue in response to future filings.

IT IS HEREBY ORDERED that petitioner's December 9, 2008 motion (#19) and request (#20) are denied. No further documents shall be filed in this closed action.

DATED: January 14, 2009.

  
UNITED STATES MAGISTRATE JUDGE