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

KIRK DOUGLAS WILLIAMS,

Plaintiff,

No. CIV S-08-0878 LKK GGH P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

On January 15, 2009, plaintiff filed an interlocutory appeal of the magistrate judge’s November 19, 2008, order dismissing his complaint with leave to amend and this court’s December 27, 2008, order denying plaintiff’s request for reconsideration of the November 19, 2008, order.

Pending before the court is plaintiff’s January 15, 2009, motion to hold this action in abeyance pending resolution of his interlocutory appeal. After reviewing the record, this court finds that a stay is not warranted. 28 U.S.C. § 1292(b).

Accordingly, IT IS HEREBY ORDERED that:

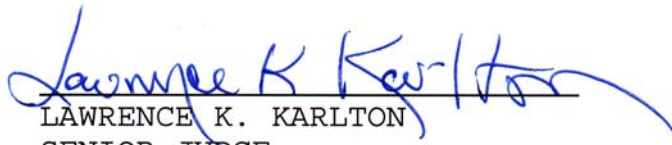
- 1. Plaintiff’s January 15, 2009, motion for a stay (no. 31) is denied;

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1 2. Plaintiff's January 15, 2009, motion for an extension of time to file an
2 amended complaint (no. 29) is granted; plaintiff's amended complaint is due within thirty days of
3 the date of this order.

4 DATED: February 10, 2009.

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7 LAWRENCE K. KARLTON
8 SENIOR JUDGE
9 UNITED STATES DISTRICT COURT
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