

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

JAMES ROY McNEIL, No. CIV S-08-2241-CMK-F

Plaintiff,

ORDER

J. WALKER, et al.,

Defendants.

VS.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to Eastern District of California Local Rules, this case was not assigned to a District Judge when the case was filed. The parties have not consented to Magistrate Judge jurisdiction and the court now finds that dismissal of this action is appropriate. Therefore, the court will direct the random assignment of a District Judge at this time. The court will address the reasons for dismissal by separate findings and recommendations.

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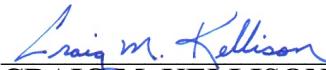
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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
2 randomly assign a District Judge to this case and to update the docket to reflect the new case
3 number.

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5 DATED: January 14, 2009

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7 CRAIG M. KELLISON
8 UNITED STATES MAGISTRATE JUDGE