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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JAMES ROY McNEIL,

No. CIV S-08-2241-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 J. WALKER, et al.,

15 Defendants.  
16 \_\_\_\_\_/

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

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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  
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