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

MICHEAL SMITH,

Plaintiff,

No. 2:08-cv-2492-LKK-JFM (PC)

vs.

R. STOVALL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to court order, this matter came on for trial confirmation hearing on September 4, 2012. Michael Smith appeared in propria persona. Misha Igra, Supervising Deputy Attorney General, and William Downer, Deputy Attorney General, appeared as counsel for defendants.

At the hearing, plaintiff requested voluntary dismissal of the action without prejudice. In response to an inquiry from the court, plaintiff explained that his health precludes him from proceeding to trial for an estimated period of three years.

After consideration of plaintiff's statements and defendants' response thereto, and good cause appearing, IT IS HEREBY ORDERED that:

- 1. This matter is dropped from the court's trial calendar;


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2. This matter shall not proceed further unless and until plaintiff files a motion to proceed to trial;

3. This order is without prejudice to defendants' right to oppose a motion to proceed to trial on the ground of, inter alia, unavailability of witnesses; and

4. The Clerk of the Court is directed to administratively close this case.

DATED: September 7, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT