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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KYLE AVERY,

No. CIV S-08-2605-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 JAMES 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. While plaintiff has consented to Magistrate
20 Judge jurisdiction, defendants have not informed the court regarding consent. In order to
21 properly address defendants' motion to dismiss, the court will direct the random assignment of a
22 District Judge at this time.

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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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6 DATED: October 1, 2009

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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