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

WILLIAM THOMAS COATES,

No. CIV S-09-1300-CMK-P

Plaintiff,

vs.

ORDER

MICHAEL FOX, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c) and no other party has yet been served or appeared in the action.

On October 28, 2009, the undersigned issued an order for Plaintiff to show cause in writing, within 30 days, why the claims against defendants Moore, McDonald, Swingle, Nepomuceno and Miranda should not be dismissed for failure to state a claim. Plaintiff was cautioned that failure to respond to the court’s order may result in dismissal. To date, no response to that order has been received by the court. It therefore appears that Plaintiff agrees with the court’s assessment that he fails to state a claim against defendants Moore, McDonald, Swingle, Nepomuceno and Miranda, and does not oppose those individuals being dismissed from

1 this action.

2 Accordingly, IT IS HEREBY ORDERED that defendants Moore, McDonald,
3 Swingle, Nepomuceno and Miranda, all claims against them, are dismissed from this action.
4 This action shall proceed against defendant Fox only.

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6 DATED: December 14, 2009

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CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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