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

TONY ASBERRY,

Plaintiff,

No. 2:09-cv-01494 MCE KJN P

vs.

MATHEW CATE, et al.,

Defendants.

ORDER

_____ /

The parties have filed a joint stipulation dismissing defendant Hernandez from this action. (Dkt. Nos. 77, 78.) As a result, this action proceeds only against defendant Phelps. Defendant Phelps' motion for summary judgment, filed December 3, 2012 (Dkt. No. 73), is now fully briefed (see Dkt. Nos. 76, 79); also pending is plaintiff's request for judicial assistance to obtain further evidence in support of his opposition to defendant's motion for summary judgment (Dkt. No. 75). These matters are now submitted and will each be addressed in due course.

SO ORDERED.

DATED: January 29, 2013


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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