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

MICHAEL J. DEVELDER,

Plaintiff,

No. 2-09-cv-1803 EFB P

vs.

J. HIRSHLER, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. *See* 28 U.S.C. § 636; *see also* E.D. Cal. Local Rules, Appx. A, at (k)(4).

On October 22, 2012, the court ordered plaintiff to show cause why this action should not be dismissed for failure to prosecute. Thereafter, the court received plaintiff's October 24, 2012 motion for default and November 1, 2012 response to the order to show cause.

Good cause appearing, the order to show cause (Dckt. No. 23) is discharged, and the court will resolve the motion for default in due course.

So ordered.

Dated: November 8, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE