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

MARLIN PENN,

Plaintiff,

No. 2:09-cv-2443 KJM JFM (PC)

vs.

WARDEN McDONALD, et al.,

Defendants.

ORDER

On July 21, 2011, the Honorable Kimberly J. Mueller adopted the undersigned's March 28, 2011 findings and recommendations recommending that defendants' motion for summary judgment be granted. Judgment was entered accordingly. On July 29, 2011, plaintiff filed a motion to appoint counsel so as to correct certain alleged factual inaccuracies in defendants' motion for summary judgment. Because this matter is now closed, IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel is denied as moot.

DATED: August 8, 2011.

  
UNITED STATES MAGISTRATE JUDGE

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