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

XAVIER DMETRI NAILING,

No. CIV S-09-2475-FCD-CMK-P

Plaintiff,

vs.

ORDER

B.D. FOSTERER, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for leave to propound request for admissions (Doc. 18). The motion is denied as premature because the court has not yet determined that the action is appropriate for service and no defendants have appeared.

IT IS SO ORDERED.

DATED: February 2, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE