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

XAVIER DMETRI NAILING,

No. 2:09-cv-02475-MCE-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. On December 15, 2011, defendant Bemrick re-noticed his motion to dismiss for hearing before the undersigned on January 26, 2012, apparently in response to a notice of change of address filed on December 2, 2011, indicating that plaintiff was no longer in custody. Pursuant to Eastern District of California Local Rule 302(c)(21), all actions in which the plaintiff is proceeding pro se, as is the case here, all motions are referred to the Magistrate Judge. The January 26, 2012, hearing is vacated. All pending motions are submitted on the papers and shall be addressed by the assigned Magistrate Judge by separate findings and recommendations.

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Accordingly, IT IS HEREBY ORDERED that:

1. The January 26, 2012, hearing before the undersigned is vacated; and

2. All pending motions are submitted on the papers and shall be addressed by the Magistrate Judge assigned to this case.

Dated: January 6, 2012



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE