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

LAWRENCE CYPRIAN,

Plaintiff,

No. 2:09-cv-2704 JAM JFM (PC)

vs.

DERRICK GIVENS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 22, 2011, this court issued an order granting a motion for summary judgment filed by one of the defendants in this action, defendant Barry Newman. By order filed December 9, 2011, the court denied plaintiff's motion for reconsideration of that order. On December 29, 2011, defendant Newman lodged a proposed order dismissing the complaint as to him and entering judgment in his favor. Defendant Newman has not filed a request for entry of judgment pursuant to Fed. R. Civ. P. 54(b) and the court finds no reason to enter such judgment

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1 at this time. Accordingly, the proposed order submitted by defendant Newman will be
2 disregarded.

3 IT IS SO ORDERED.

4 DATED: 1/10/2012

5 /s/ John A. Mendez
6 UNITED STATES DISTRICT JUDGE

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