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

10 EDWARD A. BATTISTE,

11 Plaintiff,

No. CIV S-09-3511 GGH P

12 vs.

13 WARDEN JAMES WALKER, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. §
17 1983. Plaintiff has consented to the jurisdiction of the undersigned. See docket # 6, filed on
18 December 29, 2009. By order filed April 5, 2010, plaintiff's claims against certain defendants
19 were dismissed with leave to file an amended complaint. Plaintiff has not filed an amended
20 complaint and, by separate order, the court has found one defendant appropriate for service.

21 IT IS ORDERED that for the reasons set forth in the April 5, 2010, order,
22 defendants California State Prison - Sacramento and the unnamed 2nd watch housing sergeant are
23 dismissed from this action.

24 DATED: June 4, 2010

/s/ Gregory G. Hollows

25 UNITED STATES MAGISTRATE JUDGE

26 GGH:009
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