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

JON CHRIST,

Plaintiff,

No. 2:10-cv-760-EFB P

vs.

R. BLACKWELL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983.¹ He has filed a motion requesting a bench trial in this action. Dckt. No. 98.

Parties to actions brought under § 1983 in which the plaintiff seeks damages enjoy a right to a jury trial guaranteed by the Seventh Amendment. *City of Monterey v. Del Monte Dunes*, 526 U.S. 687, 709 (1999). Plaintiff seeks damages in this action and thus the parties are entitled to a jury trial. Dckt. No. 1-1 at 15. Although plaintiff now wishes to waive that right, the defendants have timely requested trial by jury and have not waived their right to a jury.

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¹ The case is before the court pursuant to the parties' consent. Dckt. Nos. 4, 14, 74; 28 U.S.C. § 636; E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2).

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Accordingly, plaintiff's January 2, 2013 motion for bench trial (ECF No. 98) is denied.

So ordered.

Dated: August 14, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE