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

DIOVANNI J. WHITMIRE,

No. CIV S-10-3144-CMK-P

Plaintiff,

vs.

ORDER

KENNETH J. LEE,

Defendant.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to Eastern District of California Local Rules, this case was not assigned to a District Judge when the case was filed. The parties have not consented to Magistrate Judge jurisdiction and the court now finds that assignment of a District Judge is necessary to properly address the case.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a District Judge to this case and to update the docket to reflect the new case number.

DATED: April 29, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE