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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2: 11-cv-2462 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On July 21, 2014, the undersigned recommended that defendants’ motion for terminating sanctions be granted. (ECF No. 178.) These findings and recommendations are pending with the district court.

Also pending is plaintiff’s June 11, 2014 motion to vacate the June 4, 2014 order denying plaintiff’s motion for legal materials. (ECF No. 171). This motion is denied without prejudice based on the pending findings and recommendations. Plaintiff may renew his motion to vacate, if appropriate, if the district court does not adopt the findings and recommendations.

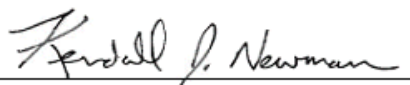
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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to vacate (ECF No. 171) is denied without prejudice.

Dated: October 29, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE