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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	FLOYD ESPEY,	No. 2: 13-cv-2147 TLN KJN P	
12	Plaintiff,		
13	V.	ORDER	
14	DEUEL VOCATIONAL INSTITUTION, et al.,		
15	Defendants.		
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18	Plaintiff is a former state prisoner, proceeding without counsel, with a civil rights action		
19	pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's January 21, 2016 request to		
20	reopen this action. (ECF No. 104.) For the following reasons, this request is denied as		
21	unnecessary.		
22	On December 10, 2015, the undersigned recommended that this action be dismissed based		
23	on plaintiff's failure to prosecute. (ECF No. 100.) On December 23, 2015, plaintiff filed a		
24	pleading indicating that he intended to prosecute this action. (ECF No. 101.) Accordingly, on		
25	January 7, 2016, the undersigned vacated the December 10, 2015 findings and recommendations		
26	and issued a further scheduling order. (ECF No. 102.) This action is set for jury trial on August		
27	29, 2016, before the Honorable Troy L. Nunley as to plaintiff's claim that defendant Baath		
28	improperly discontinued his prescription for Artane.		
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1	Because this action has not been dismissed, IT IS HEREBY ORDERED that plaintiff's	
2	request to reopen this action (ECF No. 104) is denied as unnecessary.	
3	Dated: January 27, 2016	
4	Ferdall & New man	
5	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE	
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