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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE DEJESUS RODRIGUEZ,
Plaintiff,
v.
VERONICA VEGA,
Defendant.

No. 2:15-cv-0158 GGH PS

ORDER

Plaintiff is proceeding in this action pro se and in forma pauperis pursuant to 28 U.S.C. § 1915.¹

Presently before the court is plaintiff’s “second motion in limine to admit evidence; and; stipulation and order to dismiss,” filed November 30, 2015. The request seeks to admit evidence which plaintiff claims demonstrates his need for public assistance and that his circumstances have worsened. This court’s order of November 9, 2015 addressed the matters sought to be raised by plaintiff’s motion, which would not change the result of that order.² Therefore, the request is denied as moot. More importantly, in the above titled motion, plaintiff has requested dismissal of

¹ This action is before the undersigned pursuant to the parties’ consent to proceed before a magistrate judge. 28 U.S.C. § 636(c).
² Defendant’s motion to dismiss was denied in part and plaintiff was directed to file a second amended complaint within 28 days of that order. (ECF No. 29).

1 this action without prejudice, the granting of which would most certainly moot his motion in any
2 event.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Plaintiff's "motion in limine to admit evidence," filed November 30, 2015, (ECF No.
5 32), is denied as moot.
- 6 2. Defendants notify this court, within seven days, whether they have any objection to
7 the dismissal of this action without prejudice. Should defendants fail to respond,
8 plaintiff's request will be granted pursuant to Fed. R. Civ. P. 41(a)(2).

9 DATED: December 14, 2015

10 /s/ Gregory G. Hollows

11 UNITED STATES MAGISTRATE JUDGE

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