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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE GILES,
Plaintiff,
v.
TOM FELKER, et al.,
Defendants.

No. 2:16-cv-0923 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On May 12, 2016, plaintiff's complaint was dismissed as barred by the statute of limitations. However, on June 13, 2016, plaintiff filed an amended complaint, and asks the court to toll the statute of limitations during the pendency of his prior action. (ECF No. 9.) Plaintiff claims that his prior civil rights case was dismissed without prejudice on March 25, 2016, based on plaintiff's failure to exhaust his administrative remedies prior to filing suit. Giles v. Felker, No. 2:11-cv-1825 WBS EFB (E.D. Cal.). Plaintiff filed an appeal, which is presently pending in the Ninth Circuit. Giles v. Felker, No. 16-15683 (9th Cir.). Plaintiff asks the court to stay the instant action pending resolution of such appeal.

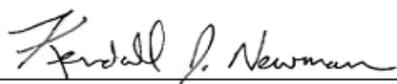
Good cause appearing, plaintiff's request is granted. Plaintiff shall file a notice of resolution of appeal within twenty-one days from the date he receives a decision from the Ninth Circuit in Case No. 16-15683.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request for stay (ECF No. 9) is granted;
2. Within twenty-one days from the date plaintiff receives a decision from the Ninth Circuit, plaintiff shall file a notice of resolution of appeal; and
3. The Clerk of the Court is directed to administratively terminate this action.

Dated: October 13, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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