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

CEDRIC GREENE,

Plaintiff,

No. CIV S-09-0229 LKK DAD P

vs.

BOARD OF PRISON TERMS, et al.,

Defendants.

ORDER

_____ /

This action was closed on November 5, 2010. On January 25, 2011, plaintiff filed a document styled, "Declaration And Request To Set Aside Dismissal And Grant Plaintiff Leave To File Objections To The Findings And Recommendations." Plaintiff contends that he was unable to file timely objections to the court's findings and recommendations because he was on a parole hold in Los Angeles and was not released until January 7, 2011.

Court records indicate that on November 4, 2010, the day before the order adopting the findings and recommendations was filed, plaintiff filed a letter requesting a stay of the proceedings. (Doc. No. 11.) The court never responded to this letter or provided additional time for plaintiff to file his objections. Therefore, the judgment will be vacated and this action will be reopened.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's January 25, 2011 request to set aside the dismissal of this action
3 (Doc. No. 16) is granted;
- 4 2. The court's order and judgment entered on November 5, 2010 are vacated;
- 5 3. The Clerk of the Court is directed to re-opened this case; and
- 6 4. Within thirty days from the date of this order, plaintiff shall file his objections
7 to the court's findings and recommendations, filed on September 21, 2010.

8 DATED: February 17, 2011.

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12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT

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