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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. PINKSTON,

CV F 00 6193 REC SMS P

Plaintiff,

v.

ORDER GRANTING DEFENDANTS TIME TO  
FILE A MOTION FOR SUMMARY  
JUDGMENT

D. FIERRO, et. al.,

Defendants.

Michael A. Pinkston ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 30, 2006, the District Court granted Plaintiff's request to vacate judgment and also granted partial summary judgment for Defendants and remanded the case to this Court for further proceedings. The District Court held that Defendants failed to address Plaintiff's excessive force claim alleged in the First Amended Complaint.

Accordingly, in light of the District Court's findings, this Court HEREBY ORDERS:

- 1. Defendants are granted SIXTY (60) days from the date of service of this Order to

1 file a dispositive motion or, in the alternative, a statement indicating that  
2 Defendants will not file a motion in which case, the Court will set the matter for  
3 trial.

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6 IT IS SO ORDERED.

7 **Dated: February 7, 2006**  
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/s/ Sandra M. Snyder  
9 UNITED STATES MAGISTRATE JUDGE  
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