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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORIO C. FUNTANILLA, JR.,

1:02-cv-06001-OWW-GSA-PC

Plaintiff,

ORDER ESTABLISHING NEW DEADLINE
FOR THE FILING OF PRETRIAL
DISPOSITIVE MOTIONS

v.

DAVID TRISTAN, et al.,

Dispositive Motions Deadline - 08-27-2010

Defendants.

Gregorio C. Funtanilla, Jr. (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on August 16, 2002. (Doc. 1.) The action now proceeds on plaintiff’s second amended complaint filed on March 10, 2003. (Doc. 36.)

On March 30, 2010, the court issued an order granting defendants’ motion to dismiss misjoined defendants and sever claims.¹ (Doc. 242.) On May 4, 2010, plaintiff appealed the court’s March 30, 2010 order to the Ninth Circuit Court of Appeals. (Doc. 243.) On May 26, 2010, the court vacated the deadline for filing pretrial dispositive motions in this case, pending resolution of the appeal. (Doc. 247.)

On June 15, 2010, the Ninth Circuit Court of Appeals issued an order resolving plaintiff’s appeal. (Doc. 248.) Therefore, the court shall establish a new deadline for the parties in this action to file pretrial dispositive motions.

¹As a result, this action now proceeds only against defendant Means on plaintiff’s Eighth Amendment failure to protect claim, for failing to place inmate Manago on plaintiff’s enemy list. All other claims and defendants were dismissed from this action on March 30, 2010 by the court’s order granting defendants’ motion. (Doc. 242.)

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Accordingly, IT IS HEREBY ORDERED that the new deadline for the parties in this action to file pretrial dispositive motions is **August 27, 2010.**

IT IS SO ORDERED.

Dated: June 24, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE