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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRUCE PATRICK HANEY,

Plaintiff,

v.

SALDANA, et al.,

Defendants.

CASE NO. 1:04-cv-05935-AWI-SMS PC

ORDER VACATING MOTION FOR
SUMMARY JUDGMENT FROM COURT'S
CALENDAR PENDING SUBMISSION OF
PLAINTIFF'S OBJECTIONS TO THE
FINDINGS AND RECOMMENDATIONS
THEREON

(Docs. 57, 72)

_____ /
This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Bruce Patrick Haney ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis. Pending before the Court is Defendants' Motion for Summary Judgment, filed May 20, 2010. (Doc. 57.)

On January 19, 2011, the Magistrate Judge issued Findings and Recommendations recommending, among other things, that the Motion for Summary Judgment filed by Defendants Nelson and Saldana be granted and that the case be closed. (Doc. 72.) The parties were given thirty days from service of the Findings and Recommendations to file objections. (*Id.*) On January 31, 2011, Plaintiff filed a motion requesting a one-hundred twenty (120) day extension of time to file his objections to the Findings and Recommendations based on a change in security level at his current facility of incarceration and his impending transfer. (Doc. 73.) This request was granted such that Plaintiff's objections, if any, are due by June 21, 2011. (Doc. 74.)

Accordingly, in light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, Defendants' Motion for Summary Judgment, filed May 20, 2010, is HEREBY DEEMED VACATED from the

1 Court's calendar until the date for Plaintiff to file objections to the Findings and Recommendation
2 thereon has lapsed. Local Rule 230(1).

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4 IT IS SO ORDERED.

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Dated: March 14, 2011

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CHIEF UNITED STATES DISTRICT JUDGE

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