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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,	CASE NO. 1:04-cv-05953-AWI-DLB PC
Plaintiff,	ORDER GRANTING PLAINTIFF’S MOTION FOR MODIFICATION OF SECOND SCHEDULING ORDER
v.	
A. K. SCRIBNER, et al.,	ORDER VACATING SCHEDULING ORDER
Defendants.	(Docs. 157, 164)

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Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action. The above case is set for jury trial on February 23, 2010.

On November 30, 2009, Plaintiff filed a motion for modification of the scheduling order pending resolution of Plaintiff’s appeal. Because of the appeal and other scheduling issues, the Court will not be able to have a jury trial in this action by February 23, 2010. Accordingly, the Court will issue a new scheduling order setting a new trial date.

Based on the foregoing, it is HEREBY ORDERED that Plaintiff’s motion for modification of the second scheduling order, filed on November 30, 2009, is GRANTED and the Court’s second scheduling order, filed on September 29, 2009, is VACATED.

IT IS SO ORDERED.

Dated: December 14, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE