

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HARVEY HERRING III,

1:05-cv-00079-LJO-SMS PC

Plaintiff,

ORDER GRANTING DEFENDANTS’
REQUEST FOR CLARIFICATION

v.

[Doc. 117]

MIKE CLARK, et al.,

Defendants,

_____ /

Harvey Herring III (“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 May 13, 2011, an order issued granting Plaintiff’s motion for relief from judgment, vacating judgment and order dismissing action; vacating a prior order requiring Plaintiff to respond to Defendants’ motion for summary judgment; striking a duplicative motion for summary judgment; and referring the case back to the Magistrate Judge to rule on pending issues. (Doc. 116.) On May 18, 2011, Defendants filed a request for clarification of the May 13th order inquiring as to whether their original motion for summary judgment (Doc. 75) had been reinstated and was included in the “pending issues” for consideration by the Magistrate Judge. (Doc. 117.)

Accordingly, it is HEREBY ORDERED that Defendants’ motion for clarification, filed May 18, 2011, is GRANTED in as much as the parties are informed that the Court is aware of the pendency of Defendants’ motion for summary judgment and it is one of the issues that will be addressed by the Court in the order(s) to be issued in due course.

IT IS SO ORDERED.

1 **Dated: May 19, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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