

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY VICTORY,

CASE NO. 1:05-cv-01578 LJO DLB PC

Plaintiff,

ORDER VACATING COURT'S ORDER  
ADOPTING MAGISTRATE JUDGE'S  
FINDINGS AND RECOMMENDATIONS

v.

BARBER, et al.,

(Doc. 60)

Defendants.

ORDER VACATING MAGISTRATE JUDGE'S  
FINDINGS AND RECOMMENDATIONS

/ (Doc. 57)

Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, the Court HEREBY

ORDERS that:

1. The Court's order adopting the Magistrate Judge's Findings and Recommendations, filed on March 23, 2009, is vacated; and
2. The Magistrate Judge's Findings and Recommendations, filed on February 26, 2009, is vacated.

IT IS SO ORDERED.

**Dated:** September 4, 2009

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