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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN VLASICH,

Plaintiff,

vs.

DR. TIMOTHY FISHBACK, et al.,

Defendants.

1:05-cv-01615-LJO-GSA-PC

ORDER REPLACING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
OF JANUARY 29, 2010 WITH DEFENDANTS'  
RENEWED MOTION FOR SUMMARY  
JUDGMENT OF APRIL 30, 2010  
(Docs. 132, 141.)

ORDER FOR PLAINTIFF TO FILE OPPOSITION,  
OR STATEMENT OF OPPOSITION, TO THE  
APRIL 30, 2010 MOTION WITHIN THIRTY DAYS

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Steven Vlasich (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 20, 2005. This action now proceeds on plaintiff’s original complaint, against defendants Juarez, Villa, and Fishback. On January 29, 2010, Defendants Juarez and Villa ("Defendants") filed a motion for summary judgment. (Doc. 132.) On April 29, 2010, the Clerk notified Defendants of a discrepancy in the filing of the motion and directed Defendants to re-submit the motion. (Doc. 139.) On April 30, 2010, Defendants re-submitted the motion. (Doc. 141.) Therefore, the later-filed motion for summary judgment now replaces replace the prior motion for summary judgment. Plaintiff is now excused from filing a response to the January 29, 2010 motion for summary judgment. However,

1 Plaintiff must file an opposition, or statement of non-opposition, to the April 30, 2010 motion for  
2 summary judgment within thirty days, pursuant to this order.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Defendants' motion for summary judgment filed on January 29, 2010, is REPLACED  
5 WITH Defendants' motion for summary judgment filed on April 30, 2010;
- 6 2. Plaintiff is excused from filing a response to Defendants' January 29, 2010 motion for  
7 summary judgment;
- 8 3. Plaintiff is required to file an opposition, or statement of non-opposition, to  
9 Defendants' April 30, 2010 motion for summary judgment within thirty days of the  
10 date of service of this order; and
- 11 4. The Clerk is DIRECTED to resolve Defendants' motion for summary judgment, filed  
12 January 29, 2010, on the docket.

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14 IT IS SO ORDERED.

15 Dated: May 24, 2010

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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