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

TOMAS PEREZ,

Plaintiff,

vs.

1: 06 CV 1022 OWW WMW PC

ORDER RE MOTION (DOC 17)

SCRIBNER, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. §1983.

On July 31, 2008, an order was entered, finding that the complaint stated a claim as to certain defendants and directing Plaintiff to complete and return to the court forms for service of process on those defendants. On November 3, 2008, Defendants filed a motion requesting a new screening order. Defendants note that the screening order referred to defendants not named in the complaint. Further, the order directs service of process upon defendants without a finding that the complaint states a claim against them. A review of the order reveals that it was entered in error.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant’s motion for a new screening order is granted.

1 1. The July 31, 2008, screening order is vacated.

2 2. A new screening order will issued. The defendants who have appeared in this action  
3 will be directed to respond to the complaint, if appropriate, by a separate screening order which  
4 will issue.

5 IT IS SO ORDERED.

6 **Dated:** February 11, 2009

/s/ William M. Wunderlich  
UNITED STATES MAGISTRATE JUDGE

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