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

DARYL K. HOWARD,

Plaintiff,

Case No.1:06-cv-01829 ALA (P)

vs.

M.E. SPEARMAN, et al.,

Defendants.

ORDER

_____ /

Plaintiff Daryl Howard is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff also proceeds *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 13).

Defendants Ayers, Beltran, Wright, Grannis, Nelson, Rowe, Catlin, and Walton have filed a motion to dismiss. (Doc. 43). Plaintiff is ordered to file a response to Defendants' motion by Tuesday, February 3, 2009.

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DATED: January 6, 2009

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation