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

**MAXIMILIAN MONDCLOVA-
CHAVEZ,**

Plaintiff,

v.

ERIC McEACHERN, et al.,

Defendants

1: 08-CV-0076 AWI SKO

**ORDER REFERRING PENDING
MOTION FOR SUMMARY
JUDGMENT TO MAGISTRATE
JUDGE SHEILA K. OBERTO**

**ORDER VACATING OCTOBER 4,
2010 HEARING DATE**

Plaintiff has filed a complaint that alleges prison officials violated his civil rights pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). Plaintiff is represented by counsel. Defendant Patrick Tincher has filed a motion a motion for summary judgment on the third cause of action. Defendant Patrick Tincher noticed his motion for hearing before the undersigned for October 4, 2010.

The court finds that the pending motion should be referred to Magistrate Judge Sheila K. Oberto pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302 for the entry for Findings and Recommendations.

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1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Defendant Patrick Tinchler's motion for summary judgment is REFERRED to
3 Magistrate Judge Sheila K. Oberto;
- 4 2. The October 4, 2010 hearing before the undersigned is VACATED; and
- 5 3. In the event Magistrate Judge Shelia K. Oberto desires a hearing on the pending
6 motion, Magistrate Judge Shelia K. Oberto will re-notice the motion at a hearing
7 date and time convenient to her.

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9 IT IS SO ORDERED.

10 Dated: September 20, 2010

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13 CHIEF UNITED STATES DISTRICT JUDGE
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