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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 KELVIN X. SINGLETON,

12 Plaintiff,

13 vs.

14 S. LOPEZ, et al.,

15 Defendants.
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1:08-cv-00095-AWI-GSA-PC

ORDER VACATING ORDER OF
AUGUST 8, 2014, TO THE EXTENT
THAT IT ORDERS THE “NOTICE
REGARDING SETTLEMENT”
STRICKEN FROM THE RECORD
(Doc. 215.)

ORDER REINSTATING DEFENDANTS’
“NOTICE REGARDING SETTLEMENT”
FILED ON AUGUST 7, 2014
(Doc. 214.)

19 **I. INTRODUCTION**

20 On August 8, 2014, the court issued an order in this action containing two parts: (1)
21 “order denying substitution of attorneys” and (2) “order striking notice regarding settlement.”
22 (Doc. 215.) The “order striking notice regarding settlement” was issued in error and shall be
23 vacated. The “order denying substitution of attorneys” shall remain in force.

24 **II. BACKGROUND**

25 Plaintiff is a pro se litigant. On August 7, 2014, Attorney Ashley N. Johndro filed a
26 “notice of appearance” as counsel for Plaintiff. (Doc. 213.) On August 8, 2014, the court
27 issued an order denying the substitution of Attorney Johndro as counsel for Plaintiff. (Doc.
28 215.)

1 A “notice regarding settlement” was also filed on August 7, 2014. (Doc. 214.) The
2 court presumed, in error, that the “notice regarding settlement” was also filed by Attorney
3 Johndro on Plaintiff’s behalf, and ordered the notice to be stricken from the record as
4 improperly filed. (Doc. 215.) In fact, the “notice regarding settlement” was properly filed by
5 Defendants and should not have been stricken from the record. Therefore, the court’s order of
6 August 8, 2014, shall be vacated to the extent that it orders the “notice regarding settlement”
7 stricken from the record.

8 **III. CONCLUSION**

9 Based on the foregoing, IT IS HEREBY ORDERED that:

- 10 1. The court’s order of August 8, 2014 is VACATED to the extent that it orders the
11 “notice regarding settlement” filed on August 7, 2014, to be stricken from the
12 record;
- 13 2. The court’s order of August 8, 2014 REMAINS IN FORCE to the extent that it
14 denies substitution of Attorney Ashley N. Johndro as counsel for Plaintiff;
- 15 3. The “notice regarding settlement” filed by Defendants on August 7, 2014 is
16 REINSTATED on the court’s record; and
- 17 4. The Clerk of Court is DIRECTED to reflect on the court’s record that the
18 “notice regarding settlement” (Doc. 214) filed on August 7, 2014, is not stricken
19 from the record.

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21 IT IS SO ORDERED.

22 Dated: August 11, 2014

23 /s/ Gary S. Austin
24 UNITED STATES MAGISTRATE JUDGE
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