

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TED KEENER ERNST,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

) 1:08-cv-01940 OWW GSA

) ORDER VACATING ORDER ISSUED ON  
) APRIL 14, 2009 (Doc. 20)

On April 14, 2009, an order denying Defendant's motion to dismiss was issued. The order is hereby VACATED. Findings and recommendations regarding Defendant's motion to dismiss will be forthcoming.

IT IS SO ORDERED.

Dated: April 14, 2009/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE