

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

Plaintiff,

v.

DERRAL ADAMS, et al.,

Defendants.

CASE NO. 1:09-cv-00205-LJO-SMS (PC)

ORDER VACATING FINDINGS AND
RECOMMENDATIONS IN PART

(Doc. 84)

Barry Louis Lamon, (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §1983.

On February 1, 2011, a findings and recommendation issued regarding Defendants’ motion for summary judgment, Plaintiff’s motion for preliminary injunctive relief, and allowing Plaintiff to submit a supplemental opposition, if any, within thirty (30) days. (Doc. 84.) On February 18, 2011, Plaintiff filed his supplemental opposition. (Docs. 87, 88.) On March 1, 2011, Defendants filed objections to the findings and recommendation. (Doc. 89.) On March 9, 2011, Plaintiff filed an opposition to Defendants’ objections, a request for judicial notice, and a motion to file an addendum to his declaration in support of his supplemental opposition. (Docs. 91-93.) On March 18, 2011, Defendants were ordered to file a status report on receipt of Plaintiff’s responses to Defendants’ requests for admissions with which they complied on March 22, 2011. (Docs. 94, 95.) On March 23, 2011, Chief Judge Anthony W. Ishii reassigned the Magistrate Judge on this case. (Doc. 96.)

In light of the Magistrate Judge reassignment and so as to consider all of the evidence and

1 arguments submitted regarding Defendants' motion for summary judgment (Doc. 46) the
2 findings and recommendation, issued February 1, 2011 (Doc. 84), is hereby VACATED IN
3 PART: (1) the portion of that findings and recommendations which addressed Defendants'
4 motion for summary judgment is VACATED; and (2) the portions of the findings and
5 recommendation addressing Plaintiff's request for preliminary injunctive relief and
6 ordering/allowing Plaintiff to submit a supplemental opposition¹ to Defendants' motion for
7 summary judgment remain valid and intact. Defendants' motion for summary judgment, filed
8 September 7, 2010 (Doc. 46) is once again deemed submitted. *See* Local Rule 230(1)

9
10 IT IS SO ORDERED.

11 **Dated:** April 8, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ Plaintiff has already filed his supplemental opposition in compliance with the findings and recommendation. Nothing in this order is intended, nor should it be construed in any way, to allow Plaintiff to file any additional documents in opposition to Defendants' motion for summary judgment.