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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ARTHUR PETROSYAN,) Case No.: 1:09-cv-00593 - AWI - JLT
)
Plaintiff,) ORDER WITHDRAWING THE FINDINGS AND
) RECOMMENDATIONS
v.) (Doc. 78)
ALI, ZAMORA, GRANNIS, and YOUSSEF,)
)
Defendants.)
)

On August 28, 2013, the Court issued findings and recommendations granting the motion to dismiss based upon Plaintiff’s failure to appeal the screen-out determination of his administrative appeal at the Third Level. (Doc. 78) In his objections, Plaintiff noted that the statutory upon which the Court relied, was enacted after Plaintiff’s administrative appeals process was completed. (Doc. 79) Thus, the Court ordered Defendants to file a substantive reply and to detail the requirement that an inmate appeal a screen-out order issued at the Third Level that was in place at the time the screen-out decision was made. (Doc. 82) Therefore, having read and considered the objections and reply, the Court **WITHDRAWS** the findings and recommendations and will issue amended findings and recommendations.

IT IS SO ORDERED.

Dated: September 27, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE