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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAWTIS DONALD RHODEN,

Plaintiff,

v.

STEPHEN W. MAYBERG, et al.,

Defendants.

CASE NO. 1:09-cv-01890-DLB PC

ORDER VACATING DISCOVERY AND
SCHEDULING ORDER

(Doc. 33)

_____ /

On May 7, 2010, the Court issued a discovery and scheduling order in this action as Defendants presumably filed an answer to Plaintiff’s amended complaint. However, the Court has recently discovered that Defendants mislabeled their filing as an answer. Defendants had filed a motion to dismiss instead. Thus, Defendants have yet to file an answer and opening discovery is premature at this time.

Accordingly, it is HEREBY ORDERED that the Court’s discovery and scheduling order, filed May 7, 2010, is VACATED.

IT IS SO ORDERED.

Dated: May 13, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE