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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LAWRENCE CHRISTOPHER SMITH,

Plaintiff,

v.

ALLISON, et al.,

Defendants.

Case No. 1:10-cv-01814-LJO-JLT (PC)

ORDER WITHDRAWING ORDER  
ADOPTING FINDINGS AND  
RECOMMENDATIONS GRANTING  
DEFENDANT BYERS' MOTION TO  
DISMISS and DISREGARDING  
DEFENDANT LANGLER'S MOTION TO  
DISMISS AS MOOT

(Docs. 109, 132, 139)

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Plaintiff, Lawrence Christopher Smith, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983 which he filed on October 1, 2010. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 18, 2015, the Magistrate Judge filed a Findings and Recommendations to grant and Defendant Byers' motion to dismiss and that Defendant Langler's motion to dismiss should be disregarded as moot since no claim for deliberate indifference was found cognizable against Defendant Langler. (Doc. 132.) The Findings and Recommendations were served that same day and contained provisions for the parties to file objections within thirty days. Plaintiff requested and was granted an extension to May 18, 2015 to file objections. (Docs. 136, 138.) Due to clerical error, an Order Adopting the Findings and Recommendations issued on May 1, 2015, not accounting for the extension of time granted to Plaintiff to file objections.

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Accordingly, IT IS HEREBY ORDERED that the Order Adopting the Findings and Recommendations on the motion to dismiss filed by Defendants Byers and Langler, that issued on May 1, 2015, is WITHDRAWN to allow Plaintiff to file objections.

IT IS SO ORDERED.

Dated: May 4, 2015

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE