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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA
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9 HENRY M. MITCHELL,

10 Plaintiff,

11 vs.

12 CONNIE GIPSON, et al.,

13 Defendants.
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) 1:12cv00469 DLB PC
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)

) ORDER REGARDING DEFENDANTS'
) REQUEST FOR BRIEFING SCHEDULE

) (Document 37)
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15 Plaintiff Henry M. Mitchell ("Plaintiff") is a state prisoner proceeding pro se in this civil
16 rights action pursuant to 28 U.S.C. § 1983.

17 On February 27, 2015, the Ninth Circuit reversed in part this Court's dismissal to the
18 extent that Plaintiff seeks injunctive and declaratory relief.

19 On March 17, 2015, Defendants requested that the Court set a briefing schedule for the
20 responsive pleading. It is this Court's practice, however, not to act upon a reversal or remand
21 until the mandate issues.¹ F.R.App.Proc. 41. At that time, the Court will order a response.
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23 IT IS SO ORDERED.

24 Dated: March 20, 2015

/s/ Dennis L. Beck

25 UNITED STATES MAGISTRATE JUDGE
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28 ¹ Plaintiff filed a Petition for Rehearing on March 18, 2015, which is the exact reason this Court does not act until the mandate issues.