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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERRY VALDIVIA, ALFRED YANCY,
and HOSSIE WELCH, on their own
behalf and on behalf of the class
of all persons similarly situated,

NO. CIV. S-94-671 LKK/GGH

Plaintiffs,

v.

O R D E R

ARNOLD SCHWARZENEGGER, Governor of
the State of California, et al.,

Defendants.

_____ /

On December 15, 2010, the court issued an order setting a separate hearing on the standard to apply on the parties' cross-motions following remand. This hearing is set for March 1, 2011. The parties have filed briefs that fully and fairly express their views on this question. It appears to the court that oral argument will not further elucidate the matter. For this reason, the court VACATES the March 1, 2011 hearing. The court will make a final determination on the appropriate standard to apply when it decides the merits of the cross-motions. No interim order on the

1 appropriate standard will be issued.

2 IT IS SO ORDERED.

3 DATED: February 18, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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