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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ERIC HEBBE,

Plaintiff,

No. CIV S-00-0306 EFB P

vs.

CHERYL PLILER, et. al,

Defendants.

ORDER

_____/

Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42 U.S.C. § 1983. This case is before the undersigned pursuant to the parties' consent. *See* 28 U.S.C. § 636.

Defendants have filed objections to the court's August 5, 2010 order reopening the case, stating that they have petitioned for rehearing en banc in the Ninth Circuit, and that this court currently lacks jurisdiction over the case. Defendants' contention is well taken. This court acted before the Circuit spread the mandate. Accordingly, it is ORDERED that the court's August 5, 2010 order is vacated.

DATED: August 25, 2010.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE