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

LARRY GIRALDES,

Plaintiff,

No. CIV S-01-2110 LKK EFB P

vs.

T. PREBULA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a represented prisoner proceeding under 42 U.S.C. § 1983. On April 27, 2011, the undersigned held a final pretrial conference in this matter. On May 11, 2011, the undersigned issued a pretrial order setting dates for the trial confirmation hearing and trial before the district judge. Defendants filed objections to the pretrial order, asserting that this action should be dismissed as unexhausted. Defendants' objections show that they seek reconsideration of Judge Karlton's March 29, 2004 order denying their motion to dismiss.

Therefore, it is hereby ORDERED that within seven days of the date of this order, defendants may file a motion for reconsideration by Judge Karlton of his March 29, 2004 order. The motion should contain a request to vacate the current trial confirmation hearing and trial dates.

DATED: June 13, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE