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

JOSEPH DAVID VINCZE,

Plaintiff,

No. CIV S-02-1719 LKK KJM P

vs.

LEON ROBINSON,

Defendant.

ORDER

_____/

In accordance with the Ninth Circuit Court of Appeal's June 24, 2004 order remanding this case, IT IS HEREBY ORDERED that:

1. The court's September 10, 2003 order dismissing this action is vacated;
2. With the exception of footnote #2, the findings and recommendations filed June 11, 2003 by the magistrate judge assigned to this case are adopted in full;
3. Defendant's February 13, 2003 motion to dismiss is granted except as to plaintiff's claim that defendant retaliated against him by not providing plaintiff with a copy of a

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1 June 2000 petition for writ of certiorari filed in the United States Supreme Court because
2 plaintiff named defendant in an inmate grievance; and

3 4. This matter is remanded to the magistrate judge for further proceedings.

4 DATED: May 17, 2005.

5 /s/Lawrence K. Karlton
6 UNITED STATES DISTRICT JUDGE

7 vinc1719.805

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