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

DEMAIN TREVOR O'KEEFFE,

Plaintiff,

No. CIV-S-04-1695 WBS GGH PS

vs.

EDWARD S. ALAMEIDA, JR., et al,

Defendants.

ORDER

_____ /

Defendant Erkenbrecher has requested to file briefing on the issue of qualified immunity, and for an order vacating the scheduling order pending a ruling on this issue. As no motion for summary judgment is currently pending, defendant will be permitted to file a motion for summary judgment based solely on qualified immunity grounds.

Accordingly, IT IS HEREBY ORDERED that:

1. The scheduling order issued August 4, 2009 (dkt. #51), is vacated.
2. Defendant shall file a summary judgment motion on qualified immunity grounds only within 14 days of this order.
3. Plaintiff shall file an opposition within 14 days of being served with defendant's motion.
4. Defendant may file a reply within 7 days after service of the opposition. The motion will then be taken under submission without a hearing.

DATED: August 17, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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