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

MAURICE BROWN,

Plaintiff,

No. CIV S-05-1086 MCE DAD P

vs.

M. PENNER,

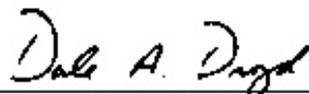
Defendant.

ORDER

On August 13, 2008, the undersigned issued findings and recommendations, recommending that this action be dismissed for plaintiff's failure to file a timely pretrial statement. Plaintiff has since filed a pretrial statement. In addition, the undersigned has issued a pretrial order. Good cause appearing, the court will vacate its August 13, 2008 findings and recommendations.

In accordance with the above, IT IS HEREBY ORDERED that the court's August 13, 2008 findings and recommendations (Doc. No. 65) are vacated.

DATED: January 9, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
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