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

LAWRENCE BIRKS,

Plaintiff,

No. CIV S-05-1105 LKK EFB P

vs.

C.A. TERHUNE, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner prosecuting this civil rights action without counsel. On November 16, 2007, defendants filed a request for clarification of the November 15, 2007, scheduling order, noting that it appears to have issued inadvertently. The court previously set a schedule on November 14, 2006. However, because defendants' November 3, 2006, motion to dismiss was still pending, the remaining dates in the scheduling order (i.e. the final pretrial conference and trial dates) were vacated by the order filed May 16, 2007, pending resolution of motion to dismiss. That motion was resolved on September 26, 2007, when the district judge entered an order adopting the findings and recommendations and dismissed all defendants except McGuire. However, the court currently has before it the motion for summary judgment as it


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1 pertains to defendant McGuire and for that reason the November 15, 2007, scheduling order is  
2 VACATED.

3 So Ordered.

4 Dated: February 1, 2008.

  
5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE

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