

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

LARRY GIRALDES,
Plaintiff,

No. CIV S-06-2277-MCE-CMK-P

vs.

ORDER

ROCHE, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Judgment was entered on February 4, 2008, and plaintiff appealed. On December 14, 2009, the Ninth Circuit Court of Appeals issued an unpublished memorandum disposition affirming in part, vacating in part, and remanding for further proceedings. The court affirmed the grant of summary judgment as to plaintiff's Eighth Amendment claims regarding his knee condition and need for pain management. The court, however, vacated the grant of summary judgment as to plaintiff's Eighth Amendment claims related to gastroesophageal disease and dumping syndrome and remanded for further proceedings on these two claims. The Ninth Circuit's mandate was issued on January 5, 2010, and jurisdiction is again vested in this court.

1 Pursuant to the Ninth Circuit's decision, the court will provide the parties an
2 opportunity to submit further briefs and evidence concerning the remaining claims.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Within 30 days of the date of this order, defendant shall file supplemental
5 briefing and evidence, if any, concerning whether summary judgment is appropriate on the
6 claims remanded to the court;

7 2. Plaintiff may file a supplemental response within 20 days after service of
8 defendants' supplemental brief; and

9 3. Defendants may file a supplemental reply within 15 days after service of
10 plaintiff's supplemental response, if any.

11
12 DATED: January 27, 2010

13 
14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26