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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	ERIC SHAWN KEMP,
11	Plaintiff, No. CIV S-06-2558 LKK GGH P
12	VS.
13	JEANNE WOODFORD, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	On April 10, 2009, defendants filed a summary judgment motion. Plaintiff did
17	not file a timely opposition. Accordingly, on June 12, 2009, the court recommended that
18	defendants' motion be granted.
19	On June 24, 2009, plaintiff filed objections to the findings and recommendations.
20	Plaintiff states that he did not receive defendants' motion. Although it appears that the motion
21	was properly served, the court will vacate the findings and recommendations and direct
22	defendants to re-serve their motion on plaintiff.
23	Accordingly, IT IS HEREBY ORDERED that:
24	1. The June 12, 2009, findings and recommendations are vacated;
25	2. Within five days of the date of this order, defendants shall re-serve their
26	summary judgment motion on plaintiff and file proof of re-service;
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1	3. Plaintiff's opposition to defendants' motion is due within thirty days of the
2	date of this order; defendants may file a reply within ten days thereafter. Defendants may
3	respond to the opposition by providing proof that plaintiff was indeed previously served. If this
4	response is made, the court will issue further orders, and may strike any opposition filed by
5	plaintiff.
6	DATED: July 20, 2009
7	/s/ Gregory G. Hollows
8	UNITED STATES MAGISTRATE JUDGE
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