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

ERIC SHAWN KEMP,

Plaintiff,

No. CIV S-06-2558 LKK GGH P

vs.

JEANNE WOODFORD, et al.,

Defendants.

ORDER

_____ /

On April 10, 2009, defendants filed a summary judgment motion. Plaintiff did not file a timely opposition. Accordingly, on June 12, 2009, the court recommended that defendants' motion be granted.

On June 24, 2009, plaintiff filed objections to the findings and recommendations. Plaintiff states that he did not receive defendants' motion. Although it appears that the motion was properly served, the court will vacate the findings and recommendations and direct defendants to re-serve their motion on plaintiff.

Accordingly, IT IS HEREBY ORDERED that:

1. The June 12, 2009, findings and recommendations are vacated;
2. Within five days of the date of this order, defendants shall re-serve their summary judgment motion on plaintiff and file proof of re-service;

