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

CHARLES CHATMAN,

Plaintiff,

No. 2:06-cv-2912 LKK EFB P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 1, 2012, defendants filed a motion for summary judgment and informed plaintiff of the requirements for opposing a motion for summary judgment. *See Fed. R. Civ. P. 56; Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998). On November 19, 2012, after plaintiff failed to file an opposition, the court recommended that this action be dismissed for failure to prosecute. Dckt. No. 87. On November 28, 2012, plaintiff filed an opposition. Dckt. No. 88.


Accordingly, it is hereby ORDERED that:

1. Plaintiff's November 28, 2012 opposition is deemed timely filed;
2. The November 19, 2012 findings and recommendations are vacated; and

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1           3. Defendants' reply, if any, is due within twenty-one days.

2 Dated: December 3, 2012.

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4 EDMUND F. BRENNAN  
5 UNITED STATES MAGISTRATE JUDGE  
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