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4 **UNITED STATES DISTRICT COURT**
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
6

7 ANDREW CALVIN COLEY,)	
)	
8 Plaintiff,)	Case No. 2:07-cv-00934-PMP-GWF
)	
9 vs.)	<u>ORDER</u>
)	
10 DR. CASSIM, <i>et al.</i> ,)	Motion to Clarify Status (Dkt. #87)
)	
11 Defendants.)	

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13 This matter is before the Court on Plaintiff’s Motion to Clarify Status (Dkt. #87), filed on July
14 23, 2009.


15 Plaintiff requests clarification of whether the case has been closed. (*Id.*) Plaintiff’s confusion is
16 due to an error in the Court’s docket. (*See* Clerk notes to Dkt. #69). On May 28, 2009, Judge Pro
17 issued an Order granting Defendant Traquina’s Motion for Summary Judgment. (Dkt. #69). The Order
18 dismissed Defendant Traquina from this matter, leaving Defendant Cassim as the only remaining
19 defendant in this suit. (*Id.*) However, the docket erroneously notes that the case is closed as a result of
20 the Court’s granting of Defendant Traquina’s Motion for Summary Judgment. This docket error will be
21 corrected as Plaintiff’s claims against Defendant Cassim remain pending before the Court.

22 Currently, there are two motions pending before the Court. On June 8, 2009, Plaintiff filed a
23 motion to vacate the Order granting summary judgment (Dkt. #72), which Defendant Traquina opposed
24 on June 16, 2009 (Dkt. #73). On July 6, 2009, Defendant Cassim then filed his own motion for
25 summary judgment with the Court. (Dkt. #78). Plaintiff then requested (Dkt. #83) and received an
26 extension of time to oppose Defendant Cassim’s motion for summary judgment (Dkt. #85). The Court
27 has yet to rule on Plaintiff’s motion to vacate (Dkt. #72) and Defendant Cassim’s motion for summary
28 judgment (Dkt. #78).

1 Plaintiff also requests the status of his seventh motion for appointment of counsel (Dkt. #74).
2 The Court denied this most recent request for appointment of counsel on June 29, 2009. (Dkt. #75).
3 Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Clarify Status (Dkt. #87) is **GRANTED**
5 and the Court has provided clarification in the discussion above.

6 DATED this 28th day of July, 2009.

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9 **GEORGE FOLEY, JR.**
UNITED STATES MAGISTRATE JUDGE