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

SHAWN MARSHAL TOMPKINS,

Plaintiff,

No. CIV S-07-2346 GEB EFB P

vs.

STEPHENS, et al.,

Defendants.

ORDER

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Plaintiff is a prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Defendants have filed a motion for clarification of the court’s December 9, 2010 order. They state that, as the court has granted plaintiff’s motion to file an amended complaint, they intend to file an amended summary judgment motion.

The request is granted and this order clarifies that this action is proceeding on the May 7, 2010 amended complaint. *See* Dckt. No. 46.

Accordingly, it hereby is ORDERED that:

1. Defendants’ motion for clarification is granted. *See* Dckt. No. 71.
2. Defendants’ November 29, 2010 motion for summary judgment is denied without prejudice.

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1           3. Defendants may file an amended motion for summary judgment within 20 days of the  
2 date of this order.

3 Dated: January 19, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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