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

WILLIAM HENRY PRICE,
Plaintiff,

No. CIV S-08-1153-LKK-CMK-P

vs.

ORDER

DAVID B. DILLION, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Defendants Dillion and The Kroger Company have noticed a motion to dismiss (Doc. 33) for hearing on March 19, 2009, before the undersigned in Redding, California. Because plaintiff is a prisoner proceeding pro se, the hearing is vacated and the motion will be decided on the papers without oral argument. Plaintiff's response to the motion is due within 30 days of the date of this order.

IT IS SO ORDERED.

DATED: February 5, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE