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

STANLEY SWENSON,

No. CIV S-08-1675-FCD-CMK

Plaintiff,

vs.

ORDER

SISKIYOU COUNTY, et al.,

Defendants.

_____ /

Plaintiff, who is proceeding pro se, brings this civil rights action. Pending before the court is defendants' motion for summary judgment currently scheduled for hearing on August 12, 2010, before the undersigned in Redding, California. A review of the docket reflects that plaintiff filed an interlocutory appeal on July 19, 2010, challenging the court's orders granting defendants' motion to compel and awarding sanctions (see Docs. 63 and 73). The appeal was processed to the Ninth Circuit Court of Appeals on July 20, 2010. Given plaintiff's appeal, the August 12, 2010, hearing is vacated. Upon resolution of the appeal, the court will set a date for plaintiff's opposition to the motion. A new hearing date will be set if the court determines that

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1 oral argument would be helpful. Absent an order setting a new hearing date, the motion for
2 summary judgment will be submitted on the papers upon completion of briefing.

3 IT IS SO ORDERED.

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5 DATED: July 22, 2010

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE
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