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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

* * *

TIMOTHY DEMOND BARRY,)	
)	
Plaintiff,)	
)	
v.)	2:08-cv-01722-PMP-GWF
)	
T. FELKER, et al.,)	
)	
Defendants.)	ORDER

Before the Court is Defendants J. Bishop and N. Albonico’s Request for Ruling/Action on Remand (Doc. #61), filed on February 14, 2013. The United States Court of Appeals for the Ninth Circuit entered a Memorandum (Doc. #59) on October 17, 2012, vacating this Court’s Order (Doc. #53) and remanding the case for further proceedings consistent with the Memorandum.

IT IS THEREFORE ORDERED that Defendants J. Bishop and N. Albonico’s Request for Ruling/Action on Remand (Doc. #61) is hereby **GRANTED**.

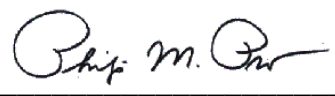
IT IS FURTHER ORDERED that Defendants J. Bishop and N. Albonico shall re-file their Motion for Summary Judgment, including proper notice under Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), by March 6, 2013.

IT IS FURTHER ORDERED that any Response shall be filed not more than 21 days after the date of service of the Motion for Summary Judgment.

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IT IS FURTHER ORDERED that any Reply shall be filed not more than 7 days after the date of service of the Response.

DATED: February 19, 2013



PHILIP M. PRO
United States District Judge