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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFF AIDNIK,)	2:08-cv-02583-HDM-RAM
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
CALIFORNIA MEDICAL FACILITY, et)	
al.,)	
)	
Defendants.)	
)	

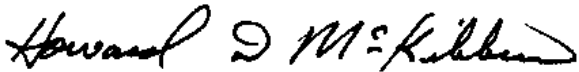
Subsequent to the May 12, 2011, hearing on the court's order to show cause, the court was first advised that the plaintiff had filed a letter notice to the court on May 11, 2011 (which was received by the clerk of the court prior to the hearing but was not docketed until after the hearing), in which he indicates that he had been placed in custody on a parole violation and that he will not be released from custody until January 30, 2012. In that letter, plaintiff also requests a new court date. If the court had been aware of the circumstances described in plaintiff's letter prior to the hearing, the court would not have entered its order on May 12, 2011. Accordingly, the order entered on May 12, 2011, dismissing this action is hereby **VACATED**, and the court will set

1 another show cause hearing at a date and time that is convenient to
2 the parties and counsel.

3 It appears from the letter that plaintiff is being held in a
4 facility in Tracy, California. The court would request counsel for
5 defendant to make appropriate inquiries to determine the custody
6 status of the plaintiff, to attempt to make arrangements for the
7 plaintiff to be available for a telephonic conference call on the
8 court's order to show cause issued on April 20, 2011, and to advise
9 the court of the official to contact at the facility where
10 plaintiff is being detained to schedule a new hearing.

11 **IT IS SO ORDERED.**

12 DATED: This 13th day of May, 2011.

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14 UNITED STATES DISTRICT JUDGE

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