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

LONNIE TRIPP,

Plaintiff,

No. CIV S-08-2876 GEB GGH P

vs.

KIM STOCKER, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. On September 16, 2009, the court recommended that defendants' motion to dismiss be granted based on plaintiff's failure to file an opposition. On September 22, 2009, plaintiff filed objections to the Findings. Plaintiff alleges that he did not receive defendants' motion.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The September 16, 2009, findings and recommendations are vacated;
2. Within five days of the date of this order, defendants shall re-serve plaintiff with the motion to dismiss and file proof of re-service;

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